

State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional, technical and consulting contracts, non-state bids and public contracts, contract awards, grants, and a monthly calendar of cases to be heard by the state supreme court.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals, including printing bids.

Printing Schedule and Submission Deadlines

Vol. 18 Issue Number	*Submission deadline for Adopted and Proposed Rules	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
5	Monday 19 July	Monday 26 July	Monday 2 August
6	Monday 26 July	Monday 2 August	Monday 9 August
7	Monday 2 August	Monday 9 August	Monday 16 August
8	Monday 9 August	Monday 16 August	Monday 23 August

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 117 University Ave., St. Paul, Minnesota 55155, (612) 297-7963, TDD (Minnesota Relay Service), Metro Area (612) 297-5353, Greater MN 1-800-627-3529.

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Tuesday, Wednesday and Friday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The *State Register Contracts Supplement* contains additional state contracts and advertised bids.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$150.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined four editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, includes four editions and last for 13 weeks. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the *State Register* at St. Paul, MN, first class for the *Contracts Supplement*. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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Commodity award results are available through the **Materials Management Helpline 612/296-2600**.

Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Agriculture

Proposed Permanent Rules Relating to Home Grown Fruit and Raw Vegetables

Notice of Intent to Adopt a Rule Without a Public Hearing

The Minnesota Department of Agriculture intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedures Act sections 14.22-14.28. You have 30 days to submit written comment on the proposed rule and may also submit a written request that a hearing be held on the rule.

Department Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107 (612) 296-6906, Fax (612) 297-7678.

Subject of Rule and Statutory Authority. The proposed rule is about labeling requirements for fresh fruits and vegetables that have the term "Home Grown" on the label. The statutory authority to adopt this rule is *Minnesota Statutes*, section 31.11. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m., September 1, 1993 to submit written comment in support of or in opposition to the proposed rule or any subpart of the rule. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on September 1, 1993. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, sections 14.131-14.20.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by the data and views submitted to the department and may not result in a substantial change in the proposed rule as attached and printed in the *State Register*. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available from the department contact person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

Small Business Considerations. The rule will have little impact on small business. Only those businesses that choose to use the term "home-grown" on their label will need to clarify with the place of origin.

Adoption and Review of the Rule. If no hearing is required, after the end of the comment period the department may adopt the rule. The rule and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent that form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the Attorney General's decision on the rule. If you wish to be so notified or wish to receive a copy of the adopted rule, submit your

request to the department contact person listed above.

Dated: 1 July 1993

Elton Redalen, Commissioner
Department of Agriculture

Rules as Proposed (all new material)

1550.3050 HOME GROWN FRUIT AND RAW VEGETABLES.

Raw fruit and raw vegetables labeled or advertised as "Home Grown" and offered for sale in Minnesota must specify the place of origin in letters of a size and form identical to the term "Home Grown."

Department of Human Services

Proposed Permanent Rules Relating to Case Management for Persons with Mental Retardation or Related Conditions (Parts 9525.0004 to 9525.0036) and Technical Amendments to Rules Governing Related Services

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Room 10, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota on September 7, 1993, commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Barbara L. Neilson, Administrative Law Judge, Office of Administrative Hearings, 100 Washington Square #1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138; telephone (612) 341-7604, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may, at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. Any written material or responses must be received at the office no later than 4:30 p.m. on the final day. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have five business days to respond in writing to any new information submitted during the comment period. During the five-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the five-day period. Any written material or responses must be received at the office no later than 4:30 p.m. on the final day. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, section 14.50. The rule hearing is governed by *Minnesota Statutes*, section 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

Proposed *Minnesota Rules*, parts 9525.0004 to 9525.0036 will govern the provision of case management to persons with mental retardation or related conditions by county boards or others authorized by the Commissioner of Human Services to provide case management. Current parts 9525.0015 to 9525.0165 and parts 9525.0180 to 9525.0190 will be repealed when parts 9525.0004 to 9525.0036 are adopted. In order to assure consistency with parts 9525.0004 to 9525.0036, technical amendments relating to updating statutory and rule references are being proposed at the same time to other Department of Human Services rules governing related services. A copy of the proposed rule and related technical amendments is published in the *State Register* and attached to this notice as mailed.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, section 256B.092, subdivision 6.

Adoption of these rules will not result in additional spending by local public bodies in the excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the

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Proposed Rules

requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available upon request from Laura Plummer Zrust, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816; (612) 297-1217.

In proposing these rules and amendments, the agency has considered the requirements of *Minnesota Statutes*, section 14.115 in regard to the impact of the proposed rules on small businesses. The proposed rules implement *Minnesota Statutes*, section 256B.092. The agency believes that *Minnesota Statutes*, section 14.115 does not apply to these rules under the exclusion in *Minnesota Statutes*, section 14.115, subdivision 7, clause (2) since the proposed rules govern county boards. In the event that section 14.115 does apply, the agency invites public comment at the public hearing. Furthermore, if any person knows of anyone who may be affected as a small business, the person may address this concern at the public hearing.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Laura Plummer Zrust. A copy of the rule may also be viewed at any of the 87 county welfare agencies in the State of Minnesota.

Additional copies will be available at the hearing. If you have any questions on the content of the rule, contact Laura Plummer Zrust at the address or phone number listed above.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the secretary of state. The notice must be mailed on the same day the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the secretary of state.

NOTICE IS HEREBY GIVEN that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Lobbyists must register with the State Ethical Practices Board. Questions should be directed to the Ethical Practices Board, 1st Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, (612) 296-5148.

Dated: 8 June 1993

Natalie Haas Steffen
Commissioner

Rules as Proposed

9503.0055 BEHAVIOR GUIDANCE.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Prohibited actions.** The license holder must have and enforce a policy that prohibits the following actions by or at the direction of a staff person:

[For text of items A to F, see M.R.]

G. The use of mechanical restraints, such as tying.

For children with mental retardation or a related condition or children under the age of five, as ~~defined~~ specified in parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036, physical and mechanical restraints may be permitted if they are implemented in accordance with the aversive and deprivation procedures governed by parts 9525.2700 to 9525.2810.

[For text of subps 4 and 5, see M.R.]

Subp. 6. **Children with mental retardation or related conditions.** For children with mental retardation or related conditions or children under the age of five, as specified in parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036, the standards governing the use of aversive and deprivation procedures in parts 9525.2700 to 9525.2810 apply.

9503.0065 CHILD CARE FOR CHILDREN WITH SPECIAL NEEDS.

Subpart 1. **Definition.** "Child with special needs" for purposes of this part means a child at least six weeks old but younger than 13 years old who:

A. has mental retardation or a related condition or is otherwise eligible for case management as ~~defined~~ specified in parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036 and has an individual service plan specifying child care to be provided by the center;

[For text of items B and C, see M.R.]

[For text of subp 2, see M.R.]

Subp. 3. **Individual child care program plan.** When a license holder admits a child with special needs, the license holder must ensure that an individual child care program plan is developed to meet the child's individual needs. The individual child care program plan must be in writing and specify methods of implementation and be reviewed and followed by all staff who interact with the child.

If the child has mental retardation or a related condition or is otherwise eligible for case management as specified in subpart 1, item A, then the individual child care plan must be coordinated with the child's individual service plan developed under parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036.

If the child has a handicap as specified in subpart 1, item B, then the individual child care plan must be coordinated with the child's individual education plan developed under *Minnesota Statutes*, section 120.17.

If the child has a special need determined under subpart 1, item C, the individual child care plan must be coordinated with reports from the licensed physician, licensed psychiatrist, licensed psychologist, or licensed consulting psychologist. The individual child care plan must be evaluated at least annually by the licensed physician, licensed psychiatrist, licensed psychologist, or licensed consulting psychologist and with the child's parent to determine if the needs of the child are being met.

Subp. 4. **Service contracts.** The license holder must have copies of all service contracts with the center for care or services provided under parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036 and *Minnesota Statutes*, section 120.17, when the care or service is provided to a child while at the center.

[For text of subp 5, see M.R.]

9505.0323 MENTAL HEALTH SERVICES.

Subpart 1. **Definitions.** For this part, the following terms have the meanings given them.

[For text of items A to F, see M.R.]

G. "Day treatment" or "day treatment program" means a structured program of treatment and care provided to persons in:

[For text of subitems (1) and (2), see M.R.]

(3) an entity that is under contract with the county to operate a program that meets the requirements of *Minnesota Statutes*, section ~~245.471, subdivision 3~~ 245.4712, and parts 9505.0170 to 9505.0475.

Day treatment consists of group psychotherapy and other intensive therapeutic services that are provided by a multidisciplinary staff. The services are aimed at stabilizing the client's mental health status, providing mental health services, and developing and improving the client's independent living and socialization skills. The goal of day treatment is to reduce or relieve the effects of mental illness and provide training to enable the client to live in the community. Day treatment services are not a part of inpatient or residential treatment services. Day treatment services are distinguished from day care by their structured therapeutic program of psychotherapy services.

[For text of items H to Z, see M.R.]

[For text of subps 2 to 4, see M.R.]

Subp. 5. **Extension of time available to complete a recipient's diagnostic assessment.** The two-hour time limit in subpart 4, item C, for completing the diagnostic assessment does not apply if the mental health professional conducting the diagnostic assessment documents in the recipient's record that the recipient has a condition specified in item A and a circumstance specified in item B, C, or D, is present. In this event, medical assistance will pay for the recipient's diagnostic assessment of up to eight hours in length and the mental health professional conducting the diagnostic assessment must develop the recipient's individual treatment plan. The mental health professional conducting the diagnostic assessment must document in the recipient's record the circumstances requiring the extended time. For purposes of this subpart, "initial diagnostic assessment" refers to the first time that a recipient receives a diagnostic assessment of a set of symptoms indicating a possible mental illness.

A. The recipient has a diagnosis of mental illness and is:

(1) A person with mental retardation as defined in part ~~9525.0015~~ 9525.0004, subpart ~~20~~ 21, or a related condition as defined in *Minnesota Statutes*, section 252.27, subdivision ~~1~~ 1a.

[For text of subitems (2) to (6), see M.R.]

[For text of item B, see M.R.]

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C. An extension of the time for an initial diagnostic assessment has been authorized by the case manager according to parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036.

[For text of item D, see M.R.]

[For text of subs 6 to 9, see M.R.]

Subp. 10. **Limitations on medical assistance payment for psychotherapy sessions.** There are limitations on medical assistance payment for psychotherapy sessions as specified in the list of health services published according to *Minnesota Statutes*, section ~~256B.02~~ 256B.0625, subdivision ~~8~~ 25.

[For text of subs 11 to 26, see M.R.]

Subp. 27. **Excluded services.** The mental health services in items A to S are not eligible for medical assistance payment:

[For text of items A to G, see M.R.]

H. a service provided to a resident of an intermediate care facility for the mentally retarded if the service is not specified on the resident's individual service plan as set forth in ~~part 9525.0075~~ parts 9525.0004 to 9525.0036;

[For text of items I to S, see M.R.]

[For text of subs 28 to 32, see M.R.]

9505.2395 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 2. **Adult day care services.** "Adult day care services" means services provided to alternative care grant clients by adult day care programs established under *Minnesota Statutes*, sections 245A.01 to ~~245A.17~~ 245A.16, including adult day care centers licensed under parts 9555.9600 to 9555.9730.

[For text of subp 3, see M.R.]

Subp. 4. **Alternative care grant or ACG.** "Alternative care grant" or "ACG" means funds allocated to a local agency by the commissioner under *Minnesota Statutes*, section ~~256B.091~~ 256B.0913, to pay for alternative care services.

[For text of subs 5 to 24, see M.R.]

Subp. 25. **Individual service plan.** "Individual service plan" means the written plan of a community service or a combination of community services designed to meet the health and social needs of an applicant or nursing home resident screened according to part 9505.2430. The individual service plan is the plan of care referred to in *Minnesota Statutes*, section ~~256B.091~~ 256B.092.

[For text of subs 26 to 29, see M.R.]

Subp. 30. **Mental illness.** "Mental illness" means an illness as defined in *Minnesota Statutes*, section 245.462, subdivision 20, ~~clause (2)~~ paragraph (a).

[For text of subs 31 to 34, see M.R.]

Subp. 35. **Person with mental retardation or related conditions.** "Person with mental retardation or related conditions" ~~means a person as defined in~~ has the meaning given to "person" under part 9525.0015 9525.0004, subpart 20 19.

[For text of subp 36, see M.R.]

Subp. 37. **Preadmission screening.** "Preadmission screening" means the activities performed by a preadmission screening team under *Minnesota Statutes*, section ~~256B.091~~ 256B.0911, and parts 9505.2390 to 9505.2500. This definition does not include the activities of teams authorized under *Minnesota Statutes*, section 256B.092, and established in parts ~~9525.0015 9525.0004 to 9525.0165 9525.0036~~ and under the Minnesota Comprehensive Mental Health Act, *Minnesota Statutes*, sections 245.461 to 245.486.

[For text of subp 38, see M.R.]

Subp. 39. **Preadmission screening team.** "Preadmission screening team" means the team authorized in *Minnesota Statutes*, section ~~256B.091~~ 256B.0911, and required by part 9505.2410, to assess the financial, health, and social needs of an applicant or a nursing home resident.

[For text of subs 40 to 47, see M.R.]

Subp. 48. **Resident class.** "Resident class" refers to the case mix classification required under *Minnesota Statutes*, section ~~256B.091~~, ~~subdivision 2~~ 256B.0911, and assigned to a person as required under parts 9549.0058, subpart 2, and 9549.0059.

[For text of subs 49 to 56, see M.R.]

9505.2400 PREADMISSION SCREENING REQUIREMENT.

Subpart 1. **Coverage.** The preadmission screening team established by the local agency must complete the preadmission screening

of all applicants except individuals who are exempt under subpart 2 and the preadmission screening of current nursing home residents who request a screening. The preadmission screening team shall complete the screening as specified in part 9505.2425, except in the cases of persons with mental retardation or related conditions. Persons with mental retardation or related conditions must be provided services according to parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036. Persons with mental illness must be provided services according to the Minnesota Comprehensive Mental Health Act, *Minnesota Statutes*, sections 245.461 to 245.486.

Subp. 2. **Exemptions.** The following individuals are exempt from the requirement of subpart 1:

[For text of items A to H, see M.R.]

I. an applicant who enters a nursing home administered by and for the adherents of a recognized church or religious denomination described in *Minnesota Statutes*, section ~~256B.091~~, subdivision 4 256B.0911; and

[For text of item J, see M.R.]

9505.2425 SCREENING AND ASSESSMENT PROCEDURES REQUIRED DURING PREADMISSION SCREENING.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Information given to person being screened by screening team during preadmission screening.** The preadmission screening team must give the person being screened or the person's representative the form or forms supplied by the commissioner containing the information specified in items A to E:

A. the purpose of the preadmission screening under *Minnesota Statutes*, section 256B.0911, and the alternative care grant program under *Minnesota Statutes*, section ~~256B.091~~ 256B.0913;

[For text of items B and C, see M.R.]

D. the person's right to appeal the preadmission screening team's recommendation under part 9505.2500 and *Minnesota Statutes*, sections 256.045, ~~subdivisions 2 and~~ subdivision 3 and ~~256B.091~~ 256B.0911, subdivision 5 7; and

[For text of item E, see M.R.]

[For text of subp 4, see M.R.]

Subp. 5. **Preadmission screening team recommendations.** After completing the assessment form required in subpart 1, the preadmission screening team must offer the person being screened or the person's representative the most cost effective alternatives available to meet the person's needs and must recommend one of the choices specified in items A to E.

[For text of items A to C, see M.R.]

D. A preadmission screening team that has reason to believe that a person being screened has or may have a diagnosis of mental retardation or related conditions must refer the person for services including screening, development of the individual service plan, and case management ~~services~~ according to parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036.

[For text of item E, see M.R.]

[For text of subps 6 to 12, see M.R.]

Subp. 13. **Resident class assessment.** The preadmission screening team must complete the resident class assessment of the applicant required under parts 9549.0058 and 9549.0059 for an applicant who is not exempt from preadmission screening under part 9505.2400, subpart 5 2, or 9549.0059, subpart 1, item A, subitem (2). The resident class assessment shall be completed concurrently with preadmission screening performed within the time requirements of part 9505.2420.

[For text of subp 14, see M.R.]

9505.3015 DEFINITIONS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Adult day care services.** "Adult day care services" means services provided to recipients by adult day care centers licensed under parts 9555.9600 to 9555.9730 and adult day care family homes established under *Minnesota Statutes*, sections 245A.01 to ~~245A.17~~ 245A.16.

[For text of subps 4 to 30, see M.R.]

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Subp. 31. **Person with mental retardation or a related condition.** "Person with mental retardation or a related condition" means a person as defined ~~has the meaning given to~~ "person" in part ~~9525.0015~~ 9525.0004, subpart ~~20~~ 19.

[For text of subs 32 and 33, see M.R.]

Subp. 34. **Preadmission screening or screening.** "Preadmission screening" or "screening" means the activities established under *Minnesota Statutes*, section ~~256B.091~~, ~~subdivisions 1 to 4~~ 256B.0911, and specified in part 9505.3025.

[For text of subs 35 to 37, see M.R.]

Subp. 38. **Public health nursing service.** "Public health nursing service" means the nursing program provided by a board of health under *Minnesota Statutes*, section ~~145.10~~, ~~subdivision 1~~ chapter 145A.

[For text of subs 39 to 53, see M.R.]

9510.1020 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 2. **Case manager.** "Case manager" has the meaning given it in part ~~9525.0015~~ 9525.0004, subpart ~~5~~ 4.

[For text of subs 3 to 16, see M.R.]

9510.1050 COUNTY REVIEW OF PROVIDER'S APPLICATION.

[For text of subpart 1, see M.R.]

Subp. 2. **Client eligibility.** A client shall be eligible for a special needs rate exception if the client meets the criteria in items A to D:

[For text of items A and B, see M.R.]

C. the client is a person ~~with mental retardation or a related condition according to the definition as defined~~ in part ~~9525.0015~~ 9525.0004, subpart ~~20~~ 19, and has at least one of the following characteristics:

[For text of subitems (1) to (3), see M.R.]

[For text of item D, see M.R.]

[For text of subs 3 to 5, see M.R.]

9510.1070 COUNTY'S APPLICATION TO COMMISSIONER.

If the county approves the provider's application, the county shall apply to the commissioner for a special needs rate exception within ten working days of the date of receipt by the county from the provider of a complete application and supporting documentation. To apply for a special needs rate exception, the county shall submit to the commissioner a copy of the provider's approved application and supporting documentation and the following documents:

[For text of item A, see M.R.]

B. a copy of the client's current individual service plan which explains the need to place or retain the eligible client in a regional treatment center if the requested services cannot be provided and the sections of the individual ~~habilitation plan~~ program plans which include the methodology and measurable outcomes of the proposed intervention;

[For text of items C to G, see M.R.]

9525.0004 DEFINITIONS.

Subpart 1. Scope. The terms used in parts 9525.0004 to 9525.0036 have the meanings given them in this part.

Subp. 2. Advocate. "Advocate" means an individual who has been authorized, in a written statement by the person or the person's legal representative, to speak on the person's behalf and help the person understand and make informed choices in matters related to identification of needs and choice of services and supports. When involved in the case management process under parts 9525.0004 to 9525.0036, an advocate and the advocate's employer must have no direct or indirect financial interest in providing the services or supports, including case management, they are advocating the person receive.

Subp. 3. Case management. "Case management" means the administrative activities under part 9525.0016 and the service activities under part 9525.0024 provided to or arranged for a person.

Subp. 4. Case manager. "Case manager" means the person designated by the county board under part 9525.0012 or by contract to work on behalf of the person needing case management.

Subp. 5. Commissioner. "Commissioner" means the commissioner of the Department of Human Services or the commissioner's designated representative.

Subp. 6. County board. “County board” means the county board of commissioners for the county of financial responsibility or its designated representative. When a human service board has been established under Minnesota Statutes, sections 402.01 to 402.10, it shall be considered the county board for purposes of parts 9525.0004 to 9525.0036.

Subp. 7. County of financial responsibility. “County of financial responsibility” has the meaning given it in Minnesota Statutes, section 256G.02, subdivision 4.

Subp. 8. Department. “Department” means the Department of Human Services.

Subp. 9. Home and community-based waived services. “Home and community-based waived services” means services authorized under Minnesota Statutes, section 256B.092, subdivision 4.

Subp. 10. Host county. “Host county” means the county in which the services described in a person’s individual service plan are provided. If supported employment is provided in a setting outside the county where the license holder is located, the county where supported employment services are provided is not considered the host county for purposes of parts 9525.0004 to 9525.0036.

Subp. 11. Individual program plan or IPP. “Individual program plan” or “IPP” means the integrated, coordinated, and comprehensive written plan to provide services to the person that is developed:

A. consistent with all aspects of the person’s individual service plan;

B. in compliance with applicable state and federal law and regulations governing services to persons with mental retardation or a related condition; and

C. by the provider in consultation with the interdisciplinary team.

Subp. 12. Individual service plan. “Individual service plan” means the written plan developed by the service planning team, containing the components required under Minnesota Statutes, section 256B.092, designed to achieve specified outcomes for the person based on assessed needs and preferences.

Subp. 13. Informed choice. “Informed choice” means a voluntary decision made by the person or the person’s legal representative, after becoming familiarized with the alternatives, to:

A. select a preferred alternative from a number of feasible alternatives;

B. select an alternative which may be developed in the future; and

C. refuse any or all alternatives.

Subp. 14. Interdisciplinary team. “Interdisciplinary team” means a team composed of the case manager, the person, the person’s legal representative and advocate, if any, and representatives of providers of the service areas relevant to the needs of the persons as described in the individual service plan.

Subp. 15. Intermediate care facility for persons with mental retardation or ICF/MR. “Intermediate care facility for persons with mental retardation” or “ICF/MR” has the meaning given it in part 9525.0225, subpart 18.

Subp. 16. Least restrictive environment. “Least restrictive environment” means an environment where services are delivered with minimum limitation, intrusion, disruption, or departure from typical patterns of living available to persons without disabilities and where services do not subject the person or others to unnecessary risks to health or safety.

Subp. 17. Legal representative. “Legal representative” means the parent or parents of a person who is under 18 years of age, or a guardian or conservator, or guardian ad litem who is authorized by the court to make decisions about services for a person. Parents or private guardians or conservators who are unable to make decisions about services due to temporary unavailability may delegate their powers according to Minnesota Statutes, section 524.5-505.

Subp. 18. Overriding health care needs. “Overriding health care needs” means a health care condition that affects the service options available to the person because the condition requires:

A. specialized or intensive medical or nursing supervision; and

B. nonmedical service providers to adapt their services to accommodate the health and safety needs of the person.

Subp. 19. Person. “Person” means a person with mental retardation or a related condition or a child under the age of five who has been determined to be eligible for case management under parts 9525.0004 to 9525.0036.

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Subp. 20. Person with a related condition. “Person with a related condition” has the meaning given to “related condition” under Minnesota Statutes, section 252.27, subdivision 1a.

Subp. 21. Person with mental retardation. “Person with mental retardation” means a person who has been diagnosed under part 9525.0016 as having substantial limitations in present functioning, manifested as significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior, and who manifests these conditions before the person’s 22nd birthday.

Subp. 22. Provider. “Provider” means a corporation, governmental unit, partnership, individual, or individuals licensed by the state if a license is required, or approved by the county board if a license is not required, to provide one or more services to persons with mental retardation or related conditions.

Subp. 23. Public guardian. “Public guardian” has the meaning given it in Minnesota Statutes, section 252A.02, subdivision 7.

Subp. 24. Qualified mental retardation professional. “Qualified mental retardation professional” means a person who meets the qualifications in Code of Federal Regulations, title 42, section 483.430.

Subp. 25. Residential program. “Residential program” has the meaning given it in Minnesota Statutes, section 245A.02, subdivision 14.

Subp. 26. Screening team or service planning team. “Screening team” or “service planning team” means the team established under Minnesota Statutes, section 256B.092, which must consist of the person, the person’s case manager, the legal representative, if any, and a qualified mental retardation professional. The case manager may also act as the qualified mental retardation professional if the case manager meets the definition under subpart 24. The provisions of Minnesota Statutes, section 260.251, shall also apply. Screening members must have no direct or indirect service provider interest with the person. For purposes of the screening team or service planning team, the case manager shall not be deemed to have a direct or indirect service provider interest.

Subp. 27. Semi-independent living services. “Semi-independent living services” has the meaning given it in Minnesota Statutes, section 252.275, subdivision 1.

Subp. 28. Training and habilitation services. “Training and habilitation services” has the meaning given it in part 9525.1500, subpart 36.

9525.0008 APPLICABILITY AND PURPOSE.

Subpart 1. Applicability. Parts 9525.0004 to 9525.0036 establish the standards to be met by county boards or others authorized by the commissioner to provide case management and govern the planning, development and provision of services to persons with mental retardation or related conditions.

Subp. 2. Purpose. The purpose of parts 9525.0004 to 9525.0036 is to set standards for the provision of case management to persons with mental retardation or related conditions that result in the following outcomes:

- A. access to needed services and supports;
- B. coordinated and cost-effective services and supports;
- C. continuity of services and supports; and
- D. services delivered consistent with the goals under subpart 3.

Subp. 3. Goals. Services and supports for persons eligible for case management under parts 9525.0004 to 9525.0036 are to be designed and delivered consistent with the following goals:

- A. the recognition of each person’s history, dignity, and cultural background;
- B. the affirmation and protection of each person’s civil and legal rights;
- C. the provision of services and supports for each person which:
 - (1) promote community inclusion and self-sufficiency;
 - (2) provide services in the least restrictive environment;
 - (3) promote social relationships, natural supports, and participation in community life;
 - (4) allow for a balance between safety and opportunities; and
 - (5) provide opportunities for development and exercise of age-appropriate skills, decision-making and choice, personal advocacy, and communication; and
- D. the provision of services and supports for families which address the needs of the person in the context of the family and support family self-sufficiency.

9525.0012 COUNTY BOARD CASE MANAGEMENT RESPONSIBILITIES.

Subpart 1. Provision of case management. When the county of financial responsibility determines that a person is eligible for case management according to part 9525.0016, the county shall provide the person or the person's legal representative with a written description of available services and an explanation of these services to facilitate an informed choice. The county board shall arrange to provide case management administration and services according to parts 9525.0004 to 9525.0036 and 9550.0010 to 9550.0092 (Administration of Community Social Services).

Case management may be provided directly by the county board or by contract. The provision of case management must begin after designation of a case manager and must continue until services are terminated under subpart 7.

When emergency services are required, the county board shall purchase or arrange services for persons who might be eligible for case management under parts 9525.0004 to 9525.0036, but who have not yet received a diagnosis under part 9525.0016.

A. "Emergency services," for purposes of this subpart, means services provided to persons at imminent risk of physical, emotional, or psychological harm.

B. "Person who might be eligible for case management," for purposes of this subpart, means a person who the case manager has reason to believe has mental retardation or a related condition and who is undergoing diagnosis, or who is a child under the age of five undergoing diagnosis according to part 9525.0016, subpart 3.

Subp. 2. Designation of case manager. Within ten working days after receiving an application for services, the county board shall designate a case manager who meets the requirements in subpart 6. The case manager shall assure that a diagnostic assessment under part 9525.0016 is conducted within 35 working days of receipt of an application for services by the county board. The county board shall send a written notice that includes the name, telephone number, and location of the designated case manager or a change in case manager to the person's legal representative and advocate, if any, and current service providers. Upon the county board's determination that a person is in need of case management and an application for services has not yet been filed, the county board must designate a case manager within ten working days.

Subp. 3. Purchase of case management. The county board must not purchase case management from a provider who has direct or indirect financial interest in the provision of other services for that person.

Subp. 4. County request to provide case management and other services. The county board may apply to the commissioner in writing for authorization for the county to be both the provider of residential or training and habilitation services, or semi-independent living services and the provider of case management. The commissioner shall grant authorization if the county board can demonstrate a method of preventing conflict of interest has been established and the designated case manager will not be involved in the provision of residential or training and habilitation services for the person.

Subp. 5. Procedures governing minimum standards for case management. The county board shall establish and monitor implementation of written policies and procedures to:

A. assure the provision of case management according to parts 9525.0004 to 9525.0036;

B. evaluate the delivery and outcomes of case management according to part 9525.0008; and

C. implement the determination of need process and program review under part 9525.0036.

The county agency must maintain copies of the policies and procedures on file at the county offices, provide copies to individuals providing case management, and make these policies and procedures available upon request.

Subp. 6. Case manager qualifications and training. Individuals providing case management to persons with mental retardation or related conditions must meet the requirements in item A or B.

A. The designated case manager must have at least a bachelor's degree in social work, special education, psychology, nursing, human services, or other fields related to the education or treatment of persons with mental retardation or related conditions, and one year of experience in the education or treatment of persons with mental retardation or a related condition.

B. Except for screening and service planning development services, the county board may establish procedures permitting others than those identified in item A to assist in providing case management services under the supervision of a case manager who meets the qualifications in item A. Before assisting the case manager, the person must complete 40 hours of training in case management and the education and treatment of persons with mental retardation or a related condition.

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The county board shall establish a plan for the training of case managers and case aides. The plan must include at least 20 hours annually in the area of case management, mental retardation, or a related condition. Training and development activities attended by the case managers and case aides must be documented and kept on file with the county.

Subp. 7. Service authorization. The county board shall determine the adequacy and quality of services provided to meet the person's needs based on the effectiveness of and in consideration of the cost of the services. The county board must not authorize, provide, or pay for services unless identified as needed in the individual service plan, except in the case of emergency services.

Subp. 8. Termination of case management duties. A case manager retains responsibility for providing case management services to the person until the responsibility of the county board is terminated according to items A to D or until the county board designates another case manager under subpart 2. The county board may terminate case management when:

A. the person or the person's legal representative makes a written request that case management and other services designed for the person be terminated, unless the case manager and the person's legal representative determine that case management must continue for the protection of the person;

B. the person changes state of residence;

C. the person dies; or

D. the diagnosis under part 9525.0016 has changed indicating that the person no longer has mental retardation or a related condition.

9525.0016 CASE MANAGEMENT ADMINISTRATION.

Subpart 1. Intake. Intake for case management must be conducted according to established county procedures and part 9550.0070.

Subp. 2. Diagnostic definitions. For purposes of subpart 3, the terms in items A to C have the meanings given them.

A. "Deficits in adaptive behavior" means a significant limitation in an individual's effectiveness in meeting the standards of maturation, learning, personal independence, and social responsibility expected for the individual's age level and cultural group, as determined by clinical assessment and, generally, standardized scales.

B. "Significantly subaverage intellectual functioning" means a full scale IQ score of 70 or less based on assessment that includes one or more individually administered standardized intelligence tests developed for the purpose of assessing intellectual functioning.

C. "Substantial functional limitations" means the long-term inability to perform or direct the performance of an activity or task.

Subp. 3. Diagnostic requirements to determine eligibility for case management. The county agency shall arrange for a comprehensive diagnostic evaluation to be completed within 35 working days following receipt of an application for case management. To be eligible for case management under parts 9525.0004 to 9525.0036, the case manager, based on all parts of the comprehensive diagnostic evaluation, must determine that the person has a diagnosis of mental retardation or a related condition, or is a child under the age of five who demonstrates significantly subaverage intellectual functioning concurrent with demonstrated deficits in adaptive behavior, but for whom, because of the child's age, a diagnosis may be inconclusive.

The comprehensive diagnostic evaluation must consist of:

A. a standardized test of intellectual functioning and an assessment of adaptive skills, or for children under the age of five, standardized assessments of developmental functioning;

B. a social history report prepared no more than 12 months before the date of application for case management that contains:

(1) the individual's social and developmental history, including information about the person's previous and current supports;

(2) identification of social, psychological, or environmental factors that may have contributed to the individual's current functioning level; and

(3) any information supporting or contradicting the assertion that the individual had mental retardation or a related condition before the age of 22; and

C. a medical evaluation prepared by a licensed physician no more than 12 months before the date of application for case management that evaluates the individual's general physical health, including vision, hearing, and any physical or neurological disorders. The case manager must request that the evaluation include the physician's comments on the individual's mental health and emotional well-being, if known.

Diagnostic information obtained by other providers according to law, including school information, may be used in whole or in part to meet the diagnostic requirements, when the final diagnosis contains all information required under this part.

Subp. 4. Administration of tests of intellectual functioning and assessments of adaptive behavior. Standardized tests of intellectual functioning and assessments of adaptive behavior, adaptive skills, and developmental functioning must be normed for individuals of similar chronological age and be administered by a licensed psychologist, certified school psychologist, or certified psychometrist who is trained and experienced in the administration of these tests. The written narrative report shall reflect any specific behavioral, psychological, sensory, health, or motor deficits, as well as cultural, social, or physical environmental factors that may bias the results of the testing. Testing methods must be modified to accommodate individuals whose background, culture, or language differs from the general population from which specific tests were standardized.

Subp. 5. Diagnostic conclusions and recommendations. Diagnostic conclusions and recommendations must be based on the results of the comprehensive evaluation required under subpart 3. Narrative reports of intellectual functioning must include a discussion of whether obtained IQ scores are considered valid and consistent with developmental history and the degree of functional restriction. Errors of measurement and actual changes in performance outcome must be considered in the interpretation of test results.

Substantial limitation in current functioning, significantly subaverage intellectual functioning, and disabilities in adaptive skills must not be the result of a mental illness as defined in Minnesota Statutes, section 245.462, subdivision 20, or an emotional disturbance as defined in Minnesota Statutes, section 245.4871, subdivision 15, to conclude a diagnosis of a related condition. If standardized tests of intellectual functioning or assessments of adaptive skills are not available due to the individual's age, or cannot be administered for other reasons such as severe illness, diagnostic conclusions must be based on reasonable and available information or may be reconstructed from information about the individual before the age of 22 obtained from the individual, near relatives, providers, or the individual's social network.

Subp. 6. Review of diagnosis of mental retardation or a related condition. The case manager shall review the results of the diagnostic assessment at least once every three years and shall refer the person for reevaluation to determine current intellectual and adaptive functioning under circumstances where the diagnosis is no longer consistent with the person's current level of functioning.

Subp. 7. Screening. The case manager shall convene a screening team to evaluate the level of care needed by the person if the assessment indicates that the person is at risk of placement in an ICF/MR or nursing facility or is requesting services in the areas of residential, training and habilitation, nursing facility, or family support. The county board may contract with a public or private agency or individual for the public guardianship representation required for the screening or the individual service planning process. If the assessment indicates that the person has overriding health care needs, the county agency must comply with the additional requirements in Minnesota Statutes, section 256B.092, subdivision 7. The case manager shall:

A. convene the screening team within 60 working days of a request for service by a person and within five working days of the date of an emergency admission to an ICF/MR; and

B. notify the members of the screening team of the meeting date and convene the meeting at a time and place that ensures the participation of all screening team members.

Subp. 8. Screening team duties. The screening team shall review:

A. the results of the diagnostic evaluation and assessment of the person's needs for services and supports;

B. the current individual service plan, if any; and

C. other data related to the person's eligibility and need for services, as determined necessary by the screening team.

The screening team shall determine the level of care needed by the person and identify the least restrictive service types. If it is determined that the person is eligible for ICF/MR and home and community-based services, an informed choice between those services must be made by the person or the person's legal representative.

Subp. 9. Screening document. The screening team shall complete and sign the screening document prescribed by the commissioner and submit the document to the commissioner's designee for authorization of medical assistance payments and to record compliance with the requirements of the federally approved waiver plan and the state Medicaid plan under title XIX of the Social Security Act.

If there is no formal annual meeting of the screening team, the case manager shall complete and submit the screening document to the commissioner to record the annual review of the person's eligibility for the level of care identified, informed choice among feasible alternatives, and review and revision of the service plan.

Subp. 10. Use of screening team recommendations in commitment proceedings. If a person with mental retardation who has been referred to a screening team is the subject of commitment proceedings under Minnesota Statutes, chapter 253B, the screening

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team shall make recommendations to the court as needed and make recommendations and a report available to the prepetition screening unit in compliance with the Data Practices Act, *Minnesota Statutes*, chapter 13.

Subp. 11. Criteria for service authorization. The case manager shall arrange for authorization of services consistent with:

- A. the needs and preferences of the person as identified in the person's individual service plan;
- B. established county procedures;
- C. contracts and agreements between providers and the county agency as determined according to part 9550.0040;
- D. the extent to which the provider can:
 - (1) provide services consistent with the individual service plan in a cost-effective manner;
 - (2) assure the health and safety of the person;
 - (3) coordinate services and consult with other providers of service to the person, including the case manager; and
 - (4) prepare reviews, incident reports, and other reports required by contract or other agreements, the individual service plan, or other applicable state and federal requirements; and
- E. state and federal law governing authorization for services provided in ICFs/MR, nursing facilities, and for services provided under medical assistance waivers, state support services, and grants.

Subp. 12. Authorization of medical assistance for ICF/MR, home and community-based services, and nursing facility services. The authorization of medical assistance by the commissioner's designee is effective for one year from the date of the screening team meeting and must be reauthorized annually. Authorization for payment of ICF/MR, home and community-based, and nursing facility services must be made based on the following:

- A. the person for whom the payment is requested has been determined eligible for case management according to part 9525.0016;
- B. the assessment verifies that the person's need for services is consistent with the level of care and the risk status indicated on the screening document;
- C. less restrictive and less costly alternative services have been considered and discussed with the person and the person's legal representative and advocate, if any; and
- D. the person and the person's legal representative, if any, have made an informed choice among feasible service alternatives.

Subp. 13. Review of eligibility. The case manager shall make a determination annually, based on diagnostic and assessment information, of the person's eligibility to receive:

- A. case management;
- B. types of services currently authorized based on level of care, risk status, and need for services and supports; and
- C. new or additional services.

The case manager shall place documentation of this determination in the person's county file. The screening form may serve as documentation of this subpart and be incorporated into the individual service plan.

Subp. 14. Conciliation and appeals. The county agency shall arrange a conciliation conference as required by *Minnesota Statutes*, section 256.045, subdivision 4a, upon request of the person or the person's legal representative if there is a dispute about the county's actions or failure to act under parts 9525.0004 to 9525.0036 and *Minnesota Statutes*, section 256B.092. The conference must be facilitated by a representative of the commissioner and must be conducted within 30 days of the request at a time and place that allows for participation of the person, the person's legal representative, if any, and the appropriate representative of the county agency. The county agency shall prepare a written summary report of the conference results and submit the report to the participants and the department within 30 days of the request for a conference. Case management appeals must be conducted according to *Minnesota Statutes*, section 256.045.

9525.0024 CASE MANAGEMENT SERVICE PRACTICE STANDARDS.

Subpart 1. Assessment of individual needs. The case manager shall assess or arrange for an assessment of the functional skills and needs of the person and the supports and services which meet the person's identified needs and preferences. Assessment information obtained by other providers, including schools and vocational rehabilitation agencies, may be used to meet the assessment requirements of this subpart. This subpart does not require assessment in areas agreed to as unnecessary by the case manager and the person, or the person's legal representative, or when there has been functional assessment completed in the previous 12 months, for which the case manager and the person or the person's legal representative agree that further assessment is not necessary. Where the county is acting as public guardian, the case manager shall seek authorization from the department for waiving any assessment requirements.

The assessment of service and support needs must address the following areas:

- A. basic needs: income or support, money management, shelter, food, clothing, and assistive technology and adaptations;
- B. health and safety: physical and dental health, vision, hearing, medication management, mental health and emotional well-being, and ability to keep oneself safe;
- C. social skills and interpersonal relationships;
- D. communication skills;
- E. self-care: toileting, eating, dressing, hygiene, and grooming;
- F. home living skills: clothing care, housekeeping, food preparation and cooking, shopping, daily schedule, and home maintenance;
- G. community use: transportation and mobility, leisure and recreation, and other community resources;
- H. employment/vocational skills;
- I. educational/cognitive skills; and
- J. legal representation.

Subp. 2. Review of person's needs for services and support. The case manager shall review the assessment information as it becomes available through program evaluation and monitoring, provider reports, team meetings, and other sources of formal or informal assessment. The service planning team shall also review the assessment information at least annually for purposes of making modifications to the person's individual service plan for needed services and supports. The case manager shall coordinate the performance of assessments. This subpart does not require duplication of assessment responsibilities fulfilled by providers. The case manager shall assure that the person's medical status and ongoing health care needs are assessed annually when not otherwise arranged by family or service providers.

Subp. 3. Individual service plan development. The designated case manager, who is familiar with the person and the person's need for services and supports, shall lead the individual service planning team activities. Annual service planning activities must result in the development or revision and implementation of the person's individual service plan. Individual service plans may be completed on forms developed for interagency planning, such as transition and individual family service plans, if they contain the components required under items A to K. Service plans containing the components in items A to K meet the service plan requirements under parts 9550.0010 to 9550.0092.

The written individual service plan must contain:

- A. the person's preferences for services as stated by the person or the person's legal representative;
- B. the person's service and support needs based on results of assessment information, including identification of needs that are currently met in whole or in part by the person's relatives, friends, and community services used by the general public;
- C. the person's long- and short-range goals;
- D. specific supports and services and the amount and frequency of the services to be provided to the person based on available resources, and the person's needs and preferences;
- E. specification of services the person needs that are not available and actions to be taken to obtain or develop these services;
- F. a determination of whether there is a need for an individual program plan developed by the provider according to applicable state and federal licensing and certification standards;
- G. identification of additional assessments to be completed or arranged by the provider after service initiation;
- H. specification of any information that providers or subcontractors must submit to the case manager, the frequency with which the information must be provided when not otherwise specified in contract, service agreement, or authorization form, and provider responsibilities to implement and make recommendations for modification to the individual service plan;
- I. notice of the right to request a conciliation conference or a hearing under Minnesota Statutes, section 256.045;
- J. signatures of the person, the person's legal representative, and the case manager at least annually and whenever changes are made; and

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K. documentation that the plan was reviewed by a health professional if the person has overriding medical needs that impact the delivery of services.

Subp. 4. Other service plans. Unless otherwise required by federal law, a person or the person's legal representative may make an informed choice to request that a service plan be developed under parts 9550.0010 to 9550.0092 rather than parts 9525.0004 to 9525.0036 as provided for under Minnesota Statutes, section 256B.092, subdivision 1g.

Subp. 5. Identification of service options and providers. Case managers shall assist the service planning team members in making informed choices of service options and providers by identifying for the team:

A. service types that would meet the level and frequency of services needed by the person, the funding streams, the general comparative costs, and the location;

B. resources and providers within the county or other areas if requested by the person or the person's legal representative, including resources not currently available;

C. provider capacities to meet assessed needs and preferences of the person, or to develop services if not immediately available; and

D. other community resources or services necessary to meet the person's or the person's family's needs.

The case manager may survey providers or may develop a request for a proposal to locate services. When the case manager is unable to locate appropriate service providers, the case manager shall indicate this in the person's individual service plan. The case manager shall follow county procedures for:

(1) maintaining unmet need or waiting list information according to Minnesota Statutes, section 256B.092, subdivision 1f;

(2) community social service planning activities; and

(3) developing additional resources.

Subp. 6. Assisting the person to access services. The case manager shall assist the person in accessing selected housing, services, and supports through the following activities:

A. coordinating the application process and preplacement planning activities and visits;

B. assuring that financial arrangements, contracts, or provider agreements are in place;

C. promoting the person's access to services that fit the person's needs;

D. assisting the person in securing the services identified in the individual service plan, including services not currently available; and

E. participating with the interdisciplinary team in the development of individual program plans that are consistent with the person's individual service plan.

Subp. 7. Coordination of service delivery. The case manager shall assure coordinated approaches to services among providers that are consistent with all aspects of the person's individual service plan. Before the initiation of service, and at least annually thereafter, the case manager shall make available to and may review with the providers the person's individual service plan. The case manager shall participate in interdisciplinary team meetings and maintain contact with providers sufficient to facilitate coordination and cooperation necessary to meet the person's needs.

Subp. 8. Monitoring and evaluation activities. The case manager shall specify monitoring and evaluation activities in the person's individual service plan. Case manager monitoring and evaluation activities must result in a determination of:

A. whether services are implemented consistent with the person's service plan, and are directed at achieving the goals identified for the person, and are consistent with the goals specified under part 9525.0008, subpart 3;

B. changes needed in the individual service plan to achieve desired outcomes or meet newly identified needs, including changes resulting from the recommendations of providers;

C. the extent to which providers are fulfilling their responsibilities and coordinating approaches to services with other providers;

D. the assurance of the person's health and safety;

E. the protection of the person's civil and legal rights; and

F. whether the person and the person's legal representative are satisfied with the services received.

If the provider fails to carry out the provider's responsibilities consistent with the individual service plan or develop an individual program plan when needed, or the case manager is otherwise dissatisfied with the provision of services, the case manager shall notify the provider and, as necessary, the interdisciplinary team. If the concerns are not resolved by the provider or interdisciplinary team, the case manager shall notify the appropriate licensing and certification agencies, and the county board where services are being

provided. The case manager shall identify other steps needed to assure that the person receives the needed services and protections.

9525.0028 QUALITY ASSURANCE.

The commissioner shall supervise social services administered by county agencies as specified in Minnesota Statutes, section 256E.05. County boards must comply fully with parts 9525.0004 to 9525.0036. To facilitate the implementation of parts 9525.0004 to 9525.0036, the commissioner shall provide technical assistance to county agencies according to Minnesota Statutes, sections 256B.092 and 256E.05. The commissioner shall evaluate case management provided by county agencies to determine that services are consistent with part 9525.0008.

If the commissioner determines that a county board has not provided case management consistent with the outcomes under part 9525.0008 or has otherwise failed to comply with the standards of parts 9525.0004 to 9525.0036, the county board shall develop a corrective action plan as required by Minnesota Statutes, section 256E.05, subdivision 5. The commissioner may take action necessary to assure continuity of services for persons receiving case management under parts 9525.0004 to 9525.0036 as authorized by Minnesota Statutes, section 256E.05, subdivision 5, and other applicable state and federal law.

9525.0032 HOST COUNTY CONCURRENCE.

If services are to be provided in a county other than the county of financial responsibility, the county of financial responsibility must request county concurrence from the county where services are to be provided. Concurrence must be granted according to Minnesota Statutes, section 256B.092, subdivision 8a. If the county of service fails to notify the county of financial responsibility of concurrence or refusal to concur within 20 working days after receipt of the request, concurrence shall be deemed granted.

9525.0036 DETERMINATION OF NEED.

Subpart 1. County recommendation for determination of need for services. For purposes of this part, "determination of need" means the commissioner's determination of need for services by program type, location, demographics, and size of licensed services for persons with mental retardation or related conditions according to Minnesota Statutes, section 252.28.

The host county shall apply for a determination of need by the commissioner upon identifying the need to:

- A. develop new services;
- B. terminate services; or
- C. modify existing services in the form of expansion or reduction of services, or services for which a change of ownership, program, location, or licensure is proposed.

In applying for the determination of need, the host county must use information from the individual service plans of persons for whom the county board is financially responsible and for persons from other counties for whom the county board has agreed to be the host county. The host county shall also consider the community social services plan, waiting lists, screenings, and other sources which identify unmet needs for services. Application for determination of need must be submitted on forms prescribed by the commissioner.

Subp. 2. Duties of commissioner for determination of need. The commissioner shall make the determination of need for the program, location, type, size, frequency, ownership, and staffing needs of the service proposed in the county's application. In determining the need for services, the commissioner shall consider whether:

- A. the proposed service, including size of the service, relates to the needs of the persons to be served;
- B. cost projections for the proposed service are within the fiscal limitations of the state;
- C. the distribution of and access to the services throughout the state is based on current or projected demographics, and does not contribute to excessive concentration of services;
- D. the provider has the overall administrative, financial, and programmatic capability to develop, provide, and maintain the services that are proposed;
- E. the application is in compliance with applicable state and federal law and with the state plan;
- F. the proposed service is consistent with the goals under part 9525.0008, subpart 3; and
- G. the proposed service furthers state policy of access to residences and employment services typical of the general population.

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Within 30 days of receipt of the completed application for need determination from the county board, the commissioner shall notify the county board of the decision. The commissioner may request further information if the proposal is incomplete or waive any part of the application that would require the county to provide information that is already available to the commissioner. The commissioner's decision may include conditions of approval. If the commissioner determines that the service, modification, or expansion is not needed, or the proposal does not meet state fiscal projections or limitations, approval shall be denied and there must be no licensure of or reimbursement from federal or state funds for the proposed service, modification, or expansion.

Subp. 3. County review of existing programs. At least every four years, the host county board shall review each service and submit to the commissioner a request for approval of each licensed service located in the county. The county board's review must state whether the county board recommends continuation, modification, discontinuation, decertification, or delicensure of the service. The county board must base its recommendations on the criteria described in subpart 2.

The commissioner shall notify the county board of the decision to approve or deny the need determination, or request additional information within 30 days of receipt of a completed application. The commissioner shall notify the county and the provider of the right to appeal the commissioner's determination according to subpart 4.

If the commissioner accepts the county board's recommendations for program modifications, the host county board shall submit a need determination application according to subpart 1. The service may be modified only after the commissioner has determined the need for the modification according to subpart 2. Counties may review a service at more frequent intervals at their own discretion.

Subp. 4. Appeal of commissioner's determination. The county board or the provider making the application may appeal the commissioner's determination under this part.

Appeals are governed by Minnesota Statutes, chapter 14. Notice of appeal must be received by the commissioner within 30 days after notification of the commissioner's decision is sent to the county board.

9525.0225 DEFINITIONS.

[For text of subs 1 and 2, see M.R.]

Subp. 3. **Advocate.** "Advocate" has the meaning given it in part ~~9525.0015~~ 9525.2710, subpart 3.

[For text of subs 4 and 5, see M.R.]

Subp. 6. **Case manager.** "Case manager" means the individual designated by the county board to provide case management services as defined in parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036.

[For text of subs 7 to 12, see M.R.]

Subp. 13. **Host county.** "Host county" has the meaning given in part ~~9525.0015~~ 9525.0004, subpart ~~12~~ 10.

[For text of subp 14, see M.R.]

Subp. 15. [See repealer.]

Subp. 15a. Individual program plan or IPP. "Individual program plan" or "IPP" has the meaning given it in part 9525.0004, subpart 11. For purposes of parts 9525.0215 to 9525.0355, the individual program plan or IPP is equivalent to the provider implementation plan or PIP.

Subp. 16. **Individual service plan or ISP.** "Individual service plan" or "ISP" means the written plan required by and developed under parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036.

Subp. 17. **Interdisciplinary team.** "Interdisciplinary team" has the meaning given it in part ~~9525.0015~~ 9525.0004, subpart ~~14~~ 14.

[For text of subs 18 to 22, see M.R.]

Subp. 23. **Objective.** "Objective" means a short-term expectation and its accompanying measurable behavioral criteria specified in the individual ~~habilitation program~~ habilitation program plan and or provider implementation plan. Objectives are designed to result in achievement of the annual goals in a person's individual service plan.

[For text of subp 24, see M.R.]

Subp. 25. **Person.** "Person" means a person with ~~mental retardation~~ mental retardation as defined in part ~~9525.0015~~ 9525.0004, subpart ~~20~~ 19, or a ~~related condition as defined in parts 9525.0180 to 9525.0190~~ who is receiving services in a residential program licensed under parts 9525.0215 to 9525.0355.

[For text of subp 26, see M.R.]

Subp. 27. **Provider implementation plan or PIP.** "Provider implementation plan" or "PIP" means a detailed internal plan developed by the license holder and used within the residential program to direct the daily activities of staff in carrying out the ~~objectives goals~~ objectives goals established within a person's individual ~~habilitation~~ habilitation service plan. The provider implementation plan is frequently referred to as an

individual program plan. For purposes of parts 9525.0215 to 9525.0355, the provider implementation plan or PIP is equivalent to the individual program plan or IPP.

[For text of subs 28 to 30, see M.R.]

9525.0235 LICENSURE.

[For text of subs 1 and 2, see M.R.]

Subp. 3. **Approved need determination.** The commissioner shall not issue a license to any applicant that does not have an approved need determination under part ~~9525.0145~~ 9525.0036. This subpart does not apply to regional treatment centers.

[For text of subs 4 to 15, see M.R.]

9525.0265 PROVIDER IMPLEMENTATION PLAN.

Subpart 1. **Plan development.** The license holder must develop a provider implementation plan (PIP) or individual program plan (IPP) for each person. ~~A person's IHP or portions of the IHP that meet the requirements of this part may be substituted for all or portions of the provider implementation plan.~~

[For text of item A, see M.R.]

B. The plan must be based on the residential service needs identified in the person's ISP ~~and must conform to the residential service objectives in the IHP.~~

C. The plan must be initially developed within 30 days after admission to the residential program and must be revised annually or when requested by the case manager. ~~The plan may be developed at an IHP meeting.~~

[For text of items D and E, see M.R.]

[For text of subp 2, see M.R.]

Subp. 3. **Contents of provider implementation plan.** The ~~provider implementation plan~~ PIP or the IPP must include:

A. written, measurable, behavioral objectives, including measurable criteria for mastery, that are designed to result in achievement of the residential service outcomes specified in the person's current ISP ~~and IHP~~ and assigned to the license holder;

[For text of items B to H, see M.R.]

[For text of subp 4, see M.R.]

Subp. 5. **Monthly review.** The living unit supervisor shall monitor the person's performance in achieving the plan objectives monthly and shall:

[For text of items A to C, see M.R.]

D. comply with the requirements of part ~~9525.0105, subpart 7,~~ 9525.0024, subpart 3, if the monthly review results in a modification of the objectives or methodologies identified within the ~~IHP~~ PIP OR IPP.

Subp. 6. **Quarterly evaluations.** The license holder must provide the person or the person's legal representative and the person's case manager with a quarterly report containing a summary of data, an analysis of the data, and an evaluation of services actually provided, sufficient to determine the extent to which services have resulted in achievement of the goals and objectives of the person's ISP and ~~IHP~~ PIP or IPP and whether services are being provided in accordance with the ISP and ~~IHP~~ PIP or IPP. The report must also state whether any changes are needed in the ISP, PIP, or ~~IHP~~ IPP.

Subp. 7. **Annual review.** At least 30 days before the annual review of the person's ISP ~~and IHP~~, the license holder shall provide the person's case manager with:

A. a written evaluation of service outcomes, including the extent to which residential services have resulted in achievement of the person's ~~IHP~~ PIP or IPP objectives;

[For text of item B, see M.R.]

C. recommendations for changes in the person's ISP and ~~IHP~~ PIP or IPP.

Subp. 8. **Coordination with case manager.** The license holder shall ensure coordination with each person's case manager in accordance with items A to C.

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A. Staff who have worked with the person shall participate in the interdisciplinary team meeting that develops ~~an HHP~~ a PIP or IPP for each person.

B. Within 30 days after an interdisciplinary team meeting, the license holder shall revise the PIP or IPP in accordance with subpart 1 and implement changes ~~according to the HHP~~.

C. The license holder shall notify the case manager of:

(1) significant changes in the person's condition or circumstances that affect the person's ability to participate in accordance with the ISP, PIP, or ~~HHP~~ IPP;

[For text of subitems (2) and (3), see M.R.]

9525.0295 ADMISSION AND DISCHARGE.

Subpart 1. **County authorization.** The license holder shall admit only persons for whom residence in a residential program has been authorized by a county board under ~~part 9525.0085, subpart 2~~ parts 9525.0004 to 9525.0036, or persons committed to the residential program under *Minnesota Statutes*, chapter 253B.

[For text of subps 2 to 6, see M.R.]

9525.0305 RESIDENT RECORDS.

[For text of subpart 1, see M.R.]

Subp. 2. **Admission records.** The license holder shall develop a record for each person upon admission that contains the following information:

[For text of items A to F, see M.R.]

G. copies of the person's ISP, ~~HHP~~ PIP, or IPP, if developed, and supplemental reports included in the ~~HHP~~ PIP or IPP; and

[For text of item H, see M.R.]

Subp. 3. **Postadmission record keeping.** Each person's record must include up-to-date records of the following:

A. A plan file that includes:

(1) The person's individual service plan and individual ~~habilitation program~~ plan. When a person's case manager does not provide ~~either a current ISP or a current HHP~~, the license holder shall make a written request to the case manager to provide copies of the ISP and HHP. The license holder shall make a written request to the case manager to convene the interdisciplinary service planning team when a current ISP or HHP has not been developed.

[For text of subitems (2) to (5), see M.R.]

[For text of items B to G, see M.R.]

Subp. 4. **Access to records.** The license holder must ensure that the following people have access to the person's record:

[For text of items A to C, see M.R.]

D. direct service staff on the person's living unit and professional service staff unless the information is not relevant to carrying out the ISP and ~~HHP~~ PIP or IPP.

[For text of subp 5, see M.R.]

9525.0325 WRITTEN POLICIES.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Required policies.** Policies must cover the following areas:

[For text of item A, see M.R.]

B. a description of the services offered by the residential program consistent with the need determination made under part ~~9525.0145~~ 9525.0036;

[For text of items C to K, see M.R.]

L. policies for use of psychotropic medications that comply with the Psychotropic Medication Use Checklist which is incorporated by reference. This document is available for inspection at the Minnesota State Law Library, ~~117~~ University 25 Constitution Avenue, Saint Paul, Minnesota 55155. It is not subject to frequent change.

9525.0335 ADMINISTRATIVE RECORDS.

The license holder shall maintain the following administrative records and shall make the records available for inspection by the commissioner:

[For text of items A and B, see M.R.]

C. a copy of the current certificate of need determination required under part ~~9525.0145~~ 9525.0036;

[For text of item D, see M.R.]

E. copies of all contracts, including contracts or agreements required under parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036, subcontracts with consultants, and purchase-of-service contracts with other providers of persons' services;

[For text of items F to K, see M.R.]

9525.0345 STAFFING REQUIREMENTS.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Minimum staffing requirements.** The license holder must ensure that there are present the number of direct service staff necessary to:

A. implement each person's ~~IHP~~ ISP and ~~PIP~~ or IPP; and

[For text of item B, see M.R.]

Subp. 5. **Special staffing needs.** The license holder must employ or contract with specially trained staff to meet special physical, communication, or behavior needs of each person in accordance with the person's ~~ISP~~ and IHP ~~PIP~~ or IPP.

[For text of subp 6, see M.R.]

9525.0900 DEFINITIONS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Case management services.** "~~Case management services~~" ~~means identifying the need for, seeking out, acquiring, authorizing, and coordinating services to persons with mental retardation or related conditions; and monitoring the delivery of the services to, and protecting the rights of, the persons with mental retardation or related conditions. These services are provided by an individual designated by the county board under part 9525.0035~~ [Emergency] ~~has the meaning given it in part 9525.0004, subpart 3.~~

Subp. 4. **Case manager.** "~~Case manager~~" ~~means has the individual designated by the county board under meaning given it in part 9525.0035~~ [Emergency] ~~to provide case management services~~ 9525.0004, subpart 4.

[For text of subps 5 to 10, see M.R.]

Subp. 11. [See repealer.]

Subp. 11a. Individual program plan. "Individual program plan" has the meaning given it in part 9525.0004, subpart 11.

Subp. 12. **Individual service plan.** "Individual service plan" ~~means~~ has the written plan for a person under meaning given it in part 9525.0085 [Emergency] 9525.0004, subpart 12.

[For text of subps 13 to 15, see M.R.]

Subp. 16. **Person with mental retardation or a related condition.** "~~Person with mental retardation or a related condition~~" has the meaning given it in part ~~9525.0015~~ [Emergency] 9525.0004, subpart 22 21.

[For text of subps 17 to 21, see M.R.]

9525.1210 DEFINITIONS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **County of financial responsibility.** "County of financial responsibility" has the meaning given it in *Minnesota Statutes*, section ~~256B.02, subdivision 3~~ 256G.02, subdivision 4.

[For text of subps 6 to 8, see M.R.]

Subp. 9. **Individual service plan.** "Individual service plan" has the meaning given it in ~~parts 9525.0015 to 9525.0145~~ [Emergency] part 9525.0004, subpart 12.

[For text of subps 10 to 14, see M.R.]

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9525.1220 CLIENT ELIGIBILITY.

The day service provider may receive medical assistance reimbursement for providing day training and habilitation services to an eligible person if the person meets the criteria in items A to G:

[For text of item A, see M.R.]

B. the person is determined to have mental retardation or a related condition in accordance with the definitions in parts ~~9525.0015~~ 9525.0004 to ~~9525.0145~~ ~~[Emergency]~~ 9525.0036;

[For text of items C and D, see M.R.]

E. the person is determined to be in need of day training and habilitation services as specified in the individual service plan under parts ~~9525.0015~~ 9525.0004 to ~~9525.0145~~ ~~[Emergency]~~ 9525.0036; and

F. the person does not receive day training and habilitation services at the ICF/MR from an approved day service provider or as part of the medical assistance rate of the ICF/MR; and

~~G. the person is currently capable of only "inconsequential" work activity as defined in part 9525.1210, subpart 15 and the service provided is supervision, assistance, or training during habilitative work activities.~~

9525.1230 APPROVAL OF DAY SERVICE PROVIDER.

Subpart 1. **General requirements.** A day service provider is approved by the commissioner to receive medical assistance reimbursement for day training and habilitation services when the day service provider meets the requirements in items A to J and complies with parts 9525.1200 to 9525.1330.

[For text of item A, see M.R.]

B. The day service provider must have a current need determination approved by the commissioner under part 9525.0036 and Minnesota Statutes, section 252.28 and ~~parts 9525.0015 to 9525.0145~~ ~~[Emergency]~~.

C. The day service provider and the ICF/MR must not be under the control of the same or related entities which provide residential services to the day service provider's clients. For this purpose, "control" means having power to direct or affect management, operations, policies, or implementation, whether through the ownership of voting securities, by contract or otherwise; "related legal entities" are entities that share a majority of governing board members or are owned by the same person or persons. If both the ICF/MR and the day service provider are wholly or partially owned by individuals, those individuals must not be related by marriage or adoption as spouses or as parents and children. Two exceptions to this requirement are:

[For text of subitem (1), see M.R.]

(2) the day service provider is a developmental achievement center which applied for licensure before April 15, 1983, as provided for under *Minnesota Statutes*, section ~~256B.501~~ 252.41, subdivision ~~1~~ 2, ~~paragraph (d)~~ clause (2).

D. The day service provider must have a written agreement with the ICF/MR and the county in which the ICF/MR is located as required by *Minnesota Statutes*, section ~~256B.501~~, subdivision 5 252.45, ~~paragraph (d)~~ clause (4), and part 9525.1240.

[For text of items E to G, see M.R.]

H. The day service provider must be selected by the county board, as provided by *Minnesota Statutes*, section 252.24, because of its demonstrated ability to provide the day training and habilitation services required by the client's individual service plan as provided in parts ~~9525.0015~~ 9525.0004 to ~~9525.0145~~ ~~[Emergency]~~ 9525.0036.

I. The day service provider must have service and transportation rates recommended by the county board as provided by part 9525.1260 and approved by the commissioner as provided by ~~part 9525.1270~~ Minnesota Statutes, section 252.46.

J. The day service provider must be in compliance with the standards in *Code of Federal Regulations*, title 42, sections ~~442.455 483.410(d)~~ and ~~442.463~~ 483.440.

9525.1240 DAY TRAINING AND HABILITATION AGREEMENT.

Subpart 1. **Agreement contents.** An agreement must be entered into by the day service provider, the ICF/MR whose residents will receive day training and habilitation services under the agreement, and the county where the ICF/MR is located, as specified under *Minnesota Statutes*, section ~~256B.501~~, subdivision 5 252.45, ~~paragraph (d)~~ clause (4). This agreement must be completed annually on forms provided by the commissioner and must include at least the information in items A to E:

[For text of items A to C, see M.R.]

D. a statement of payment rates which have been approved by the commissioner under ~~part 9515.1270~~ Minnesota Statutes, section 252.46;

E. respective duties and responsibilities of the county board, the day service provider, and the ICF/MR which include:

[For text of subitem (1), see M.R.]

(2) participation of the day service provider and the ICF/MR in the development of each resident's individual habilitation program plan in accordance with the goals in the resident's individual service plan;

[For text of subitems (3) to (5), see M.R.]

(6) provision of at least quarterly progress reports measured against the goals and objectives of the client's individual service plan and individual habilitation program plan under parts ~~9525.0015~~ 9525.0004 to ~~9525.0145~~ ~~{Emergency}~~ 9525.0036 by the day service provider to the ICF/MR on residents served by the day service provider;

(7) compliance by the day service provider with the auditing and surveillance requirements under parts ~~9505.1750~~ 9505.2160 to ~~9505.2150~~ 9505.2245 and applicable to providers of medical assistance;

(8) compliance by the day service provider with parts 9525.0004 to 9525.0036; *Minnesota Statutes*, sections 245A.01 to 245A.16 and 252.28, ~~parts 9525.0015 to 9525.0145~~ ~~{Emergency}~~; and *Code of Federal Regulations*, title 42, sections ~~442.455~~ 483.410(d) and ~~442.463~~ 483.440;

[For text of subitems (9) and (10), see M.R.]

[For text of subp 2, see M.R.]

9525.1500 DEFINITIONS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Aversive or deprivation procedure.** "Aversive or deprivation procedure" means the planned application of an unpleasant stimulus or consequence or the planned delay in the delivery of goods, services, or activities to which a person is otherwise entitled:

A. contingent on the occurrence of a behavior identified for reduction or elimination in a person's individual habilitation plan;
or

B. in an emergency situation as defined in parts 9525.2700 to 9525.2810 governing use of aversive and deprivation procedures in licensed facilities and services serving persons with mental retardation and related conditions has the meaning given to "aversive procedure" under part 9525.2710, subpart 4, and "deprivation procedure" under part 9525.2710, subpart 12.

[For text of subp 6, see M.R.]

Subp. 7. **Case manager.** "Case manager" means the individual designated by the county board under ~~part 9525.0035~~ parts 9525.0004 to 9525.0036 to provide case management services. ~~The case manager must meet the requirements in part 9525.0155.~~

[For text of subp 8, see M.R.]

Subp. 9. **County board.** "County board" means the county board of commissioners for the county of financial responsibility as specified ~~has the meaning given it in Minnesota Statutes, section 256B.02~~ 256E.03, subdivision 3 ~~6.~~

Subp. 10. **County of financial responsibility.** "County of financial responsibility" has the meaning given it in *Minnesota Statutes*, ~~sections 256B.02, subdivision 3, and 256E.08, subdivision 7~~ section 256G.02, subdivision 4.

[For text of subp 11, see M.R.]

Subp. 12. **Direct service staff.** "Direct service staff" means employees of a training and habilitation service provider who train or directly supervise persons receiving services and who participate in the development or implementation of a person's individual habilitation program plan. Professional support staff as defined in subpart 28 are considered to be direct service staff when they are working directly with persons receiving services and are involved in daily activities with those persons.

[For text of subps 13 to 19, see M.R.]

Subp. 20. [See repealer.]

Subp. 20a. Individual program plan. "Individual program plan" has the meaning given it in part 9525.0004, subpart 11.

Subp. 21. **Individual service plan.** "Individual service plan" means the written plan required by and developed under parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036.

Subp. 22. **Interdisciplinary team.** "Interdisciplinary team" means a team composed of the case manager, the person with mental

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retardation or a related condition, the person's legal representative, the person's advocate as defined in part 9525.0015 9525.0004, subpart 3 2, if any, and representatives of providers of service under the individual service plan.

[For text of subs 23 and 24, see M.R.]

Subp. 25. **Objective.** "Objective" means a short-term expectation and its accompanying measurable behavioral criteria as specified in the individual habilitation program plan. Objectives are set to facilitate achieving the annual goals in a person's individual service plan.

[For text of subp 26, see M.R.]

Subp. 27. **Person with mental retardation or a related condition or person.** "Person with mental retardation or a related condition" or "person" means:

A. a person who has been diagnosed under part 9525.0045 as having significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior and who manifests these conditions before the person's 22nd birthday with mental retardation as defined under part 9525.0004, subpart 21; or

B. a person who has with a related condition as defined under part 9525.0004, subpart 20. A related condition is a severe chronic disability that:

(1) is attributable to cerebral palsy, epilepsy, autism, or any other condition other than mental illness that is found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation;

(2) is likely to continue indefinitely;

(3) results in substantial functional limitations in three or more of the following areas of major life activity: self care; understanding; and use of language; learning; mobility; self direction; or capacity for independent living; and

(4) has been determined to be a related condition in accordance with rules adopted by the commissioner.

[For text of subs 28 and 29, see M.R.]

Subp. 30. **Provider implementation plan or individual program plan.** "Provider implementation plan" or "individual program plan" means a detailed internal plan developed by the provider and used within the service site to direct the daily activities of staff in carrying out the objectives goals established within the individual habilitation service plan developed under parts 9525.0015 9525.0004 to 9525.0165 9525.0036 for a person receiving services.

[For text of subs 31 to 35, see M.R.]

Subp. 36. **Training and habilitation services.** "Training and habilitation services" means services that include training, supervision, assistance, and other support activities designed and implemented in accordance with a person's individual habilitation program plan to help that person attain and maintain the highest possible level of independence, productivity, and integration into the community where the person lives and works. The term as used throughout parts 9525.1500 to 9525.1690 refers specifically to training and habilitation services with the characteristics in items A to D.

A. A need for the services offered by the provider has been determined under part 9525.0145 9525.0036.

[For text of items B to D, see M.R.]

[For text of subp 37, see M.R.]

9525.1520 LICENSING PROCESS.

[For text of subpart 1, see M.R.]

Subp. 2. **Completed application.** An application for licensure or relicensure is complete when the applicant signs and submits to the department the completed application form accompanied by:

[For text of item A, see M.R.]

B. documentation that:

[For text of subitems (1) and (2), see M.R.]

(3) a current determination of need or a biennial redetermination of need for the service and service site has been approved by the commissioner as required by part 9525.0036 and *Minnesota Statutes*, section 252.28 and part 9525.0145; and

[For text of subitem (4), see M.R.]

[For text of subs 3 to 7, see M.R.]

Subp. 8. **Change in license terms.** The provider shall notify the commissioner and apply for a new license and the commissioner shall conduct a new or partial inspection and study of the provider and of the service site for which the license will be issued when

the provider proposes to do any one or any combination of the following:

[For text of items A to C, see M.R.]

D. make changes in program governance, program direction, or clients served based on a redetermination of need under part ~~9525.0145~~ 9525.0036.

[For text of subs 9 to 14, see M.R.]

9525.1550 ADMINISTRATIVE POLICIES AND RECORDS.

Subpart 1. **Maintenance and availability of policies and records.** A provider shall follow the written policies and maintain the records required in this part. The written policies and records must be provided to the commissioner upon request ~~and must be available for inspection as provided in part 9525.1520, subpart 5.~~ The provider must make copies of all written policies available to counties, applicants for services, and to others as requested.

Subp. 2. **Provider's organization and policy manual.** The provider shall maintain an organization and policy manual. The manual must be made available on request to the commissioner, host county, and county boards that contract with the provider. The manual's contents must be reviewed annually by the governing body or a designated staff member or committee and must show a date indicating when it was most recently revised. The manual must contain up to date (current within the last calendar year) versions of the information in items A to H:

[For text of item A, see M.R.]

B. a copy of the most current determination of need completed by the host county under part ~~9525.0145~~ 9525.0036;

[For text of items C to H, see M.R.]

[For text of subp 3, see M.R.]

Subp. 4. **Personnel file.** The provider must have a personnel file for each employee that includes:

[For text of items A to D, see M.R.]

E. documentation of all training completed under part 9525.1640, ~~subpart 4.~~

Subp. 5. **Records of persons receiving services.** A provider shall keep a record for each person served that contains the person's admission file as required in part 9525.1560, subpart 3, including current assessments; the individual ~~habilitation program~~ plan file described in part 9525.1630; and the progress reports and evaluations completed by the provider or received from other service providers as required in parts ~~9525.0045~~ 9525.0004 to ~~9525.0165~~ 9525.0036 and 9525.1630.

Subp. 6. **Contracts.** The provider must have copies of all contracts and agreements required under parts ~~9525.0045~~ 9525.0004 to ~~9525.0165~~ 9525.0036, 9525.1200 to 9525.1320, 9550.0010 to 9550.0092, and under federal law when services are provided to residents of an ICF/MR, and any subcontracts entered into with qualified consultants or commercial businesses to provide training and habilitation for persons receiving services.

[For text of subp 7, see M.R.]

Subp. 8. **Work performed for provider by persons receiving services.** A person receiving services from a provider shall work for the provider in place of an employee only when the conditions in items A to C are met:

A. the work training is specified in the person's individual ~~habilitation program~~ plan;

[For text of items B and C, see M.R.]

Subp. 9. **Evidence of insurance.** Unless a provider has written proof of exemption from insurance, the provider must provide evidence of having insurance, including evidence of compliance with the workers' compensation insurance coverage requirement in *Minnesota Statutes*, section ~~176.81, subdivision 2~~ 176.181.

Subp. 10. **Financial records.** A provider must keep financial records necessary to comply with parts 9550.0010 to 9550.0092. In addition, a provider who receives medical assistance funds must keep bills, financial records, statements, and audits necessary to comply with parts ~~9505.1750~~ 9505.2160 to ~~9505.2150~~ 9505.2245 and applicable federal regulations. The provider must keep the financial records for five years.

[For text of subs 11 to 13, see M.R.]

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Proposed Rules

9525.1560 ADMISSION, EXCLUSION, SUSPENSION, AND DISCHARGE.

[For text of subpart 1, see M.R.]

Subp. 2. **Admission policy and criteria.** A provider shall not refuse to admit a person solely on the basis of the type of residential services a person is receiving or solely on the basis of the person's severity of disability, orthopedic or neurological handicaps, sight or hearing impairments, lack of communication skills, physical disabilities, toilet habits, behavioral disorders, or past failure to make progress. The provider shall have an admission policy that specifies the criteria to be applied in determining whether the provider can develop services to meet the needs specified in the person's individual service plan. The provider's determination of capability to meet a person's needs must be consistent with the host county's determination of need for the provider's service under ~~parts 9525.0015 to 9525.0165~~ part 9525.0036. The admission policy must provide for ensuring that the host county concurs before the provider admits a person from a county other than the host county. The procedures established by the admission policy must specify a timeline for notifying a person applying for services of the provider's decision. The timeline must allow for a person's receiving notification within 30 days after the written request for service is received.

[For text of subp 3, see M.R.]

Subp. 4. **Suspension procedures.** A provider may suspend a person only when the provider has documented that the person's behavior prompting the suspension presented an immediate danger as defined in part 9525.1500, subpart 19. The provider must notify the person's case manager and legal representative of the suspension within 24 hours of the suspension's effective date. A person may be suspended for no more than three consecutive service days up to a maximum of six days per calendar year. Within 24 hours after the suspension the provider must:

[For text of items A to C, see M.R.]

D. consult with the person's case manager and members of the interdisciplinary team to establish changes in the person's individual program under the terms of plan as defined in part 9525.0105 9525.0004, subpart 11, that will make suspension from service unnecessary in the future.

Subp. 5. **Discharge procedures.** A provider may discharge a person only when a condition or the conditions specified in item A, B, or C is met.

[For text of item A, see M.R.]

B. The person's case manager has arranged the person's participation in a service that better meets the needs identified in the individual service plan or has determined through the procedures in ~~part 9525.0075~~ parts 9525.0004 to 9525.0036 that the service provided by the provider is no longer needed.

[For text of item C, see M.R.]

[For text of subp 6, see M.R.]

9525.1570 SERVICES REQUIRED FOR LICENSURE.

[For text of subpart 1, see M.R.]

Subp. 2. **Employment and employment related services.** Providers shall offer or provide employment and employment related services in accordance with the objectives specified in each person's individual ~~habilitation program~~ plan when the services are reimbursable under state and federal regulations. Employment and employment related services shall be designed to increase integration into the community, increase productivity, increase income level, and improve the employment status or job advancement of the person served. Supported employment shall be offered as a choice to any person, regardless of the severity of that person's disability, who is currently not able to work competitively and is authorized to receive employment or employment related services that are reimbursable under state and federal regulations. Employment and employment related services offered or provided are required to have the components specified in items A to I:

[For text of items A to H, see M.R.]

I. training to improve related individual skill areas as identified in the individual ~~habilitation program~~ plan.

Providers offering or providing employment and employment related services are not limited to offering or providing only the required services listed in items A to I.

Subp. 3. **Community integration services.** Providers shall offer or provide community integration services designed to increase and enhance each person's social and physical interaction with nondisabled individuals who are not paid caregivers or staff members. Community integration services offered or provided are required to have the components specified in items A to G:

[For text of items A to F, see M.R.]

G. training to improve individual skill areas identified in the individual ~~habilitation program~~ plan.

Providers offering or providing community integration services are not limited to offering or providing only the required services

listed in items A to G.

[For text of subs 4 to 6, see M.R.]

9525.1600 MINIMUM STAFFING REQUIREMENTS.

[For text of subpart 1, see M.R.]

Subp. 2. **Determining and documenting the staff ratio requirement for each person receiving services.** The case manager in consultation with the interdisciplinary team shall determine at least once each year which of the ratios in subparts 3, 4, and 5 is appropriate for each person receiving services on the basis of the characteristics described in subparts 3, 4, and 5. The ratio assigned each person and documentation of how the ratio was arrived at must be kept in each person's individual habilitation program plan file. Documentation must include an assessment of the person with respect to the characteristics in subparts 3, 4, and 5 recorded on a standard assessment form required by the commissioner and the contents of the individual habilitation program plan file.

[For text of subs 3 to 9, see M.R.]

9525.1620 STAFF TRAINING.

[For text of subpart 1, see M.R.]

Subp. 2. **Orientation for new employees.** Orientation for new employees must meet the requirements in items A to F

[For text of items A to D, see M.R.]

E. The orientation must be counted toward the ongoing staff training requirements under this subpart 2.

[For text of item F, see M.R.]

[For text of subp 3, see M.R.]

Subp. 4. **Content of ongoing training.** Providers must be able to document that the ongoing training required in subpart 3 includes content that addresses:

[For text of item A, see M.R.]

B. development, implementation, and evaluation of individual habilitation program plans including data collection and analysis;

[For text of items C to H, see M.R.]

[For text of subs 5 to 8, see M.R.]

9525.1630 INDIVIDUAL HABILITATION PROGRAM PLAN REQUIREMENTS.

Subpart 1. **Establishing an individual habilitation program plan.** A staff member with the qualifications in part 9525.1610, subpart 1, item B, shall participate in the interdisciplinary team meeting required by parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036 to develop an individual habilitation program plan for each person receiving services and shall coordinate and monitor provision of services under the plan.

Subp. 2. **Plan file.** The provider must have an individual habilitation program plan file for each person who is receiving services. The file must contain:

A. the individual service plan developed for the person under ~~part 9525.0075~~ parts 9525.0004 to 9525.0036;

B. ~~the person's individual habilitation plan which contains the information required in part 9525.0105, subpart 4;~~

~~C.~~ the progress reports described in subpart 3;

~~D.~~ C. the provider's implementation plan or individual program plan, which must include the individualized application of information stated in the provider manual under part 9525.1550, subpart 2, item B;

~~E.~~ D. an annual review ~~required in part 9525.0105~~ that includes the assessment information described in subpart 6; and

~~F.~~ E. the documentation required in part 9525.1600.

Subp. 3. **Review of progress toward individual habilitation program plan goals objectives.** The provider must quarterly review and summarize each person's progress or lack of progress in achieving the objectives of the training and habilitation services in the person's individual habilitation program plan. The progress report shall include the provider's recommendation and rationale for changing or continuing those objectives. This progress report must become part of the person's plan file.

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Subp. 4. **Initial assessment.** After a person begins receiving services, the provider must assess the person to further determine the person's training and habilitation needs related to the attainment of short-term and long-range goals identified in the person's individual service plan. The assessment must be completed prior to the meeting of the interdisciplinary team where the person's individual habilitation program plan is determined as specified in part 9525.0105 developed. In making this assessment, the provider may draw on and incorporate relevant information about the person obtained by the case manager in the process of completing the assessment required under part 9525.0055 parts 9525.0004 to 9525.0036. The assessment completed by the provider must address at least items A to E.

[For text of items A to E, see M.R.]

[For text of subps 5 and 6, see M.R.]

9525.1640 BEHAVIOR MANAGEMENT.

Subpart 1. **Behavior management policy.** The provider must have a written policy governing the use of behavior management techniques and must ensure that staff are familiar with and follow the policy. The written policy must:

[For text of items A and B, see M.R.]

C. specify that behavior management procedures are to be used only as one element of an individual habilitation program plan that focuses on developing adaptive behaviors to increase a person's ability to function independently in daily living;

[For text of items D to F, see M.R.]

[For text of subp 2, see M.R.]

9525.1650 SERVICE SITES OWNED OR LEASED BY PROVIDER.

[For text of subpart 1, see M.R.]

Subp. 2. **Building space limitations.** The licensed capacity of a service site owned or leased by the provider must be determined by the amount of primary space available, the scheduling of activities at other service sites, and the space requirements of persons receiving services. In this subpart, "primary space" does not include hallways, stairways, closets, utility areas, bathrooms, kitchens, floor area beneath stationary equipment, and floor area beneath movable equipment or furniture not used by persons receiving services or staff members. Primary space may include up to 25 percent of the floor area occupied by movable equipment and furniture used by persons receiving services and staff. The following guidelines apply in determining the licensed capacity:

[For text of item A, see M.R.]

B. The commissioner may require more than 40 square feet of primary space for each person engaged in a training and habilitation activity at the site for which licensed capacity must be determined when a number of square feet greater than 40 square feet is specified in the individual habilitation program plan.

[For text of subp 3, see M.R.]

Subp. 4. **Hazards.** The provider shall comply with items A to G to ensure that service sites owned or leased by the provider are free from hazards.

A. The provider shall store hazardous materials, chemicals, and equipment in places inaccessible to persons receiving services except when persons are engaged in activities requiring the use of such materials, chemicals, or equipment in accordance with their individual habilitation program plans.

[For text of items B to F, see M.R.]

9525.1670 FOOD SERVICE.

Subpart 1. **General requirements.** The provider shall prepare and serve meals for a person receiving services only when meal service by the provider is specified in the person's individual habilitation program plan.

Subp. 2. **Sanitation.** When food service is provided at a site owned or leased by the provider, the procedures for handling, preparing, serving, and storing food and for washing food utensils and equipment must comply with parts ~~4625.2400~~ 4625.2401 to 4625.5000 4625.4701 or local ordinances.

Subp. 3. **Special diets.** If a person has special dietary needs prescribed by a physician or due to religious beliefs and the person eats food prepared by the provider, a written description of the specific dietary needs must be added to the person's individual habilitation program plan file and must be available in the food preparation area.

[For text of subp 4, see M.R.]

Subp. 5. **Time for meals.** The provider must allow time for persons in attendance for more than five consecutive hours to eat a meal. The meal time scheduled shall not exceed one hour unless a person requires additional time to eat a meal as specified in the person's individual habilitation program plan.

[For text of subp 6, see M.R.]

9525.1680 EQUIPMENT.

The provider must provide and maintain any equipment, supplies, and materials needed to carry out the objectives of all persons' individual habilitation program plans or to ensure their health, safety, nutrition, training, and habilitation needs. General equipment and adaptive devices must be appropriate to the chronological age, cultural norms, and development of the persons using the equipment and devices and must be in good repair.

9525.1690 TRANSPORTATION.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Supervision.** When the individual habilitation program plan of a person being transported requires that person to have programming or supervision by the provider's staff while being transported, a staff member or adult volunteer must be present in the vehicle in addition to the driver.

[For text of subp 4, see M.R.]

9525.1800 DEFINITIONS.

[For text of subps 1 to 3, see M.R.]

Subp. 4a. **Case management.** "Case management" means ~~identifying the need for, seeking out, acquiring, and coordinating services to persons with mental retardation or related conditions and monitoring the delivery of the services to persons with mental retardation or related conditions by an individual designated by the county board to provide case management services under parts 9525.0015 to 9525.0165~~ has the meaning given it in part 9525.0004, subpart 3.

[For text of subps 5 to 19a, see M.R.]

Subp. 19b. **Mental retardation or related condition or MR/RC.** "Mental retardation or related condition" or "MR/RC" has the meaning given to "mental retardation" in part ~~9525.0015~~ 9525.0004, subpart ~~20~~ 21, ~~items A and B,~~ and the meaning given to a "related condition" in *Minnesota Statutes*, section 252.27, subdivision 1a.

[For text of subps 19c to 27, see M.R.]

9525.1820 ELIGIBILITY.

Subpart 1. **Eligibility criteria for MR/RC waiver.** A person is eligible to receive home and community-based services through the MR/RC waiver if the person meets all the criteria in items A to E and if home and community-based services are provided according to part 9525.1830:

[For text of item A, see M.R.]

B. the person is has been determined to be a ~~person with mental retardation according to the definitions and procedures in meet the diagnostic requirements under parts 9525.0015 9525.0004 to 9525.0165~~ or the person is determined to be a person with a related condition as defined in *Minnesota Statutes*, section ~~252.27, subdivision 1a~~ 9525.0036;

[For text of items C to E, see M.R.]

[For text of subps 1a to 3, see M.R.]

9525.1830 PROVISION OF HOME AND COMMUNITY-BASED SERVICES.

Subpart 1. **Conditions.** The county board shall provide or arrange to provide home and community-based services to a person if the person is eligible for home and community-based services under part 9525.1820 and all the conditions in items A to F have been met:

[For text of item A, see M.R.]

B. the screening team has recommended home and community-based services instead of ICF/MR services for the person under parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036;

[For text of items C to F, see M.R.]

[For text of subp 2, see M.R.]

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9525.1900 AGREEMENT BETWEEN STATE AND COUNTY.

Subpart 1. **Contents of agreement.** The county board must have a legally binding written agreement with the state for each approved waiver plan to receive home and community-based services money. The agreement must include provisions specifying that:

[For text of items A to E, see M.R.]

F. the county board will comply with all applicable standards in parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036;

[For text of items G to I, see M.R.]

[For text of subp 2, see M.R.]

9525.2010 DEFINITIONS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Advocate.** "Advocate" has the meaning given in part ~~9525.0013~~ 9525.2710, subpart 3.

[For text of subps 4 to 6, see M.R.]

Subp. 7. **Case manager.** "Case manager" means the individual designated by the county board to provide case management services as defined in parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036.

[For text of subps 8 and 9, see M.R.]

Subp. 10. **County board.** "County board" ~~means the county board of commissioners for the county of financial responsibility as specified has the meaning given it in Minnesota Statutes, section 256B.02 256E.03, subdivision 3 6.~~

[For text of subps 11 to 13, see M.R.]

Subp. 14. **Direct service.** "Direct service" means training or supervision and assistance of a person receiving residential-based habilitation services and participation in the development or implementation of a person's individual ~~habilitation program~~ plan.

[For text of subps 15 to 19, see M.R.]

Subp. 20. [See repealer.]

Subp. 20a. **Individual program plan or IPP.** "Individual program plan" or "IPP" has the meaning given it in part 9525.0004, subpart 11.

Subp. 21. **Individual service plan.** "Individual service plan" means the written plan required by and developed under parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036.

[For text of subp 22, see M.R.]

Subp. 23. **Interdisciplinary team.** "Interdisciplinary team" has the meaning given it in part ~~9525.0015~~ 9525.0004, subpart 14.

[For text of subps 24 and 25, see M.R.]

Subp. 26. **Objective.** "Objective" means a short-term expectation, accompanied by measurable behavioral criteria, that is written in the individual ~~habilitation program~~ plan. Objectives are designed to result in achievement of the annual goals in a person's individual service plan.

[For text of subp 27, see M.R.]

Subp. 28. **Person with mental retardation or a related condition or person.** "Person with mental retardation or a related condition" or "person" ~~means:~~

A. ~~a child or adult who meets the definition of a "person with mental retardation" in part 9525.0015, item A or B; or~~

B. a child or adult who has a related condition as defined in parts 9525.0180 to 9525.0190 has the meaning given to "person" under part 9525.0004, subpart 19.

[For text of subps 29 to 36, see M.R.]

9525.2040 SERVICE AUTHORIZATION.

Before a license holder provides a residential-based habilitative service identified in a person's individual service plan, the conditions in items A and B must be met:

[For text of item A, see M.R.]

B. the license holder has been authorized by the county of financial responsibility pursuant to parts ~~9525.0085, subpart 2 9525.0016~~; 9525.1830, subpart 1, item E; and 9525.1850, item H, to provide the type, amount, and frequency of services specified in the person's individual service plan.

9525.2050 SERVICE INITIATION.

Subpart 1. **Written policy required.** The license holder must have a written policy that sets forth procedures for initiating services to persons. This policy must be consistent with the county's determination or redetermination of need for the license holder's service under parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036, if applicable; the county contract required by parts 9525.1870; and 9525.2000 to 9525.2140.

[For text of subps 2 and 3, see M.R.]

9525.2080 SERVICE RECOMMENDATIONS.

The license holder shall provide written service recommendations to the county case manager and the person or the person's legal representative. Written service recommendations must be directed toward achieving the outcomes stated in part 9525.2030 and shall be prepared:

A. before the interdisciplinary team meeting, held during the first 30 days of service provision, where the individual ~~habilitation~~ program plan is developed;

[For text of items B to E, see M.R.]

9525.2090 ASSESSMENT.

An initial assessment, as required in part ~~9525.0055~~ 9525.0024, subpart 1, is the responsibility of the person's case manager. The license holder shall assess the person in any areas authorized by the case manager. When conducting an assessment, the license holder shall compare the person's performance, behavior, activity, and participation to that of nondisabled individuals in general. The license holder must provide the case manager and the person or the legal representative with a written summary of the completed assessment before the development of the ~~HHP ISP OR IPP~~, or when requested by the case manager. For each authorized area of assessment, the written summary must include an analysis of:

[For text of items A to F, see M.R.]

9525.2100 INDIVIDUAL ~~HABILITATION~~ PROGRAM PLAN (IPP) DEVELOPMENT AND IMPLEMENTATION.

Subpart 1. **Participation in development of the ~~HHP IPP~~.** The ~~HHP IPP~~ is developed at an interdisciplinary team meeting convened ~~and chaired by the person's case manager~~ within 30 days of service initiation. The license holder must participate in interdisciplinary team meetings and be involved in the development of the person's ~~HHP IPP~~.

Subp. 2. **Implementation of the ~~HHP IPP~~.** The license holder must provide the residential-based habilitation services specified in the ~~HHP IPP~~ and authorized by the case manager. The license holder shall document the procedures and methods used to implement these services and describe how these procedures and methods are directed toward achieving the requirements listed in part 9525.2030. This documentation must be initially developed within ten calendar days of development of the ~~HHP IPP~~, must be reviewed at least annually, and revised as necessary. The procedures and methods must be consistent with the requirements of the ~~HHP IPP~~ unless a modification of the ~~HHP IPP~~ is agreed to by the person or the legal representative and is authorized by the case manager or unless modifications are required by emergency intervention described in subpart 3. The license holder's documentation of the procedures and methods used must be made available to the person or the person's legal representative and must include:

A. written, measurable behavioral objectives including measurable criteria for mastery that are designed to result in achievement of the residential service outcomes specified in the person's current individual service plan and ~~HHP IPP~~ and assigned to the license holder;

[For text of items B to G, see M.R.]

H. a description of how implementation of the ~~HHP IPP~~ involves family and friends; and

[For text of item I, see M.R.]

Subp. 3. **Emergency intervention.** When the health or safety of the person is in imminent danger and the license holder is responsible for the care and supervision of the person, the license holder must secure or provide necessary emergency intervention. Emergency intervention secured or provided by the license holder does not require prior county approval or prior referencing in the individual service plan or ~~HHP IPP~~. Within 24 hours of the incident, the license holder must notify the county, the person's family, and the person's legal representative of the emergency and the intervention provided. Within five working days of the incident, the license holder shall provide the case manager and the person or the person's legal representative a written summary of the incident. The summary must

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include a description of the presenting circumstances, the manner and results of the emergency intervention, a description and cost of the intervention, and written recommendations in accordance with part 9525.2080.

Subp. 4. **Plan file.** The license holder must have an individual plan file for each person receiving services. This file must be immediately available to the staff responsible for service implementation. The file must contain:

[For text of items A and B, see M.R.]

C. The current ~~HHP~~ ISP and IPP for the person.

D. Documentation of the license holder's implementation of the ~~HHP~~ IPP, as required by subpart 2, including the data collected to measure the person's progress.

[For text of items E to I, see M.R.]

J. A record of all medications administered by the license holder and documentation of the monitoring of side effects. If a license holder administers psychotropic medication, the license holder must have a policy for use of psychotropic medications that complies with the Psychotropic Medication Use Checklist, and must fill out the checklist at least annually and maintain a copy in the person's plan file. The Psychotropic Medication Use Checklist is incorporated by reference and is available for inspection at the Minnesota State Law Library, 417 ~~University~~ 25 Constitution Avenue, Saint Paul, Minnesota 55155. It is not subject to frequent change.

[For text of items K and L, see M.R.]

9525.2710 DEFINITIONS.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Case manager.** "Case manager" means the individual designated by the county board under ~~part 9525.0035 parts 9525.0004 to 9525.0036~~ to provide case management ~~services. The case manager must meet the requirements in part 9525.0155.~~

[For text of subps 8 to 15, see M.R.]

Subp. 16. [See repealer.]

Subp. 16a. Individual program plan. "Individual program plan" has the meaning given it in part 9525.0004, subpart 11.

[For text of subps 17 to 23, see M.R.]

Subp. 24. **Person with mental retardation or a related condition or person.** "Person with mental retardation or a related condition" or "person" means: a person who has been determined to meet the diagnostic requirements under parts 9525.0004 to 9525.0036.

~~A- a person who has been diagnosed under part 9525.0045 as having significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior and who manifests these conditions before the person's 22nd birthday;~~

~~B- a person under the age of five who demonstrates significantly subaverage intellectual functioning concurrently with severe deficits in adaptive behavior, but for whom a licensed psychologist or licensed consulting psychologist determines that a diagnosis may not be advisable because of the person's age; or~~

~~C- a person who has a related condition. A related condition is a severe chronic disability that:~~

~~(1) is attributable to cerebral palsy, epilepsy, autism, or any other condition other than mental illness that is found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation;~~

~~(2) is likely to continue indefinitely;~~

~~(3) results in substantial functional limitations in three or more of the following areas of major life activity: self care; understanding and use of language; learning; mobility; self direction; or capacity for independent living; and~~

~~(4) has been determined to be a related condition in accordance with rules adopted by the commissioner.~~

[For text of subps 25 to 35, see M.R.]

9525.3015 DEFINITIONS.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Case manager.** "Case manager" has the meaning given it in ~~part 9525.0015~~ 9525.0004, subpart 5 4.

[For text of subps 7 and 8, see M.R.]

Subp. 9. [See repealer.]

[For text of subps 10 to 22, see M.R.]

Subp. 23. **Person with mental retardation.** "Person with mental retardation" has the meaning given it in part ~~9525.0015~~ 9525.0004, subpart ~~20~~ 21.

[For text of subps 24 to 28, see M.R.]

Subp. 29. **Residential service program.** "Residential ~~service~~ program" has the meaning given it in part ~~9525.0015~~, subpart ~~30~~ Minnesota Statutes, section 245A.02, subdivision 14.

[For text of subps 30 to 34, see M.R.]

9525.3065 MONITORING AND EVALUATION.

Subpart 1. **Annual review.** Under *Minnesota Statutes*, section 252A.16, the county staff acting as public guardian shall conduct an annual review of the status of each ward. The county staff acting as public guardian shall submit to the department by the annual birthday of each ward, a copy of the annual review for each ward receiving public guardianship services during the past calendar year. The annual review must be in writing in the form determined by the local agency and must minimally include a description of the ward's:

[For text of items A to C, see M.R.]

D. legal status based on items A to C.

The annual review required under parts ~~9525.0015~~ 9525.0004 to ~~9525.0165~~ 9525.0036 may be used to fulfill the annual review requirement of this subpart only when that review contains all of the criteria required under items A to D. The county staff acting as public guardian must review and sign all annual reviews.

If the county staff acting as public guardian determines that the ward is no longer in need of guardianship or is capable of functioning under a less restrictive conservatorship, the local agency shall petition the court for a termination or modification of public guardianship as specified in part 9525.3085.

[For text of subps 2 and 3, see M.R.]

9550.0040 GRANTS AND PURCHASE OF SERVICE CONTRACTS.

[For text of subpart 1, see M.R.]

Subp. 2. **Grant and contract requirements.** Grants and contracts for the purchase of community social services must contain the following:

[For text of items A to E, see M.R.]

F a statement that the amount, frequency, and duration of purchased services will be provided in accordance with the client's individual service plan and, where applicable, the individual ~~habilitation~~ program plan, and shall be directed toward clients' achievement of goals and objectives;

[For text of items G to Q, see M.R.]

[For text of subps 3 to 9, see M.R.]

9550.6210 DEFINITIONS.

[For text of subps 1 to 10, see M.R.]

Subp. 11. **Mental retardation or a related condition.** "Mental retardation or a related condition" has the meaning of "mental retardation" under part ~~9525.0015~~, subpart ~~20~~, items ~~A and B~~ 9525.0004, subpart 21, and the meaning of "related condition" given in *Minnesota Statutes*, section 252.27, subdivision 1a.

[For text of subps 12 to 16, see M.R.]

9553.0050 DETERMINATION OF TOTAL OPERATING COST PAYMENT RATE.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **One time adjustment to program operating cost payment rate.** For the purposes of this subpart, "additional program staff" means staff in excess of the number included in the facility's total payment rate during the rate year covering the date of the finding of deficiency or need. The one time adjustment shall be determined according to items A to H.

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A. A facility is eligible for a one time adjustment to the facility's program operating cost payment rate when the facility meets one of the conditions in subitems (1) to (4) and the conditions in item B.

(1) The commissioner or the commissioner of health has issued a correction order to the facility under parts ~~9525.0210~~ 9525.0215 to ~~9525.0430~~ 9525.0355 or 4665.0100 to 4665.9900.

(2) The federal government has issued a deficiency order under *Code of Federal Regulations*, title 42, section 442, as amended through October 1, 1991, requiring the facility to correct a deficiency in the number or type of program staff necessary to implement the residents' individual ~~habilitation~~ program plans.

(3) The commissioner has determined a need exists based on a determination or redetermination of need plan approved under parts 9525.0004 to 9525.0036 and *Minnesota Statutes*, section 252.28 and parts ~~9525.0015~~ to ~~9525.0145~~.

(4) The commissioner has approved, under parts 9525.0004 to 9525.0036 and *Minnesota Statutes*, section 252.28 and parts ~~9525.0015~~ to ~~9525.0145~~, a Class A facility's plan to substantially modify the facility to serve persons who require a facility that meets the standards for impractical evacuation capability as provided in the *Code of Federal Regulations*, title 42, section 483.470(j), as amended through October 1, 1991. For purposes of this subitem, "substantially modify" means to modify the facility so that at least 50 percent of the licensed beds may be used to serve persons who meet the criteria in part 9510.1050, subpart 2, items C and D.

[For text of item B, see M.R.]

C. The facility must submit to the commissioner a written request for the one time adjustment to the program operating cost payment rate. The request must include:

[For text of subitems (1) to (4), see M.R.]

(5) an explanation of the reasons the facility was unable to meet staff ratios necessary to implement individual resident ~~habilitation~~ program plans under payment rates established by current or prior reimbursement rules.

[For text of items D to H, see M.R.]

9555.5105 DEFINITIONS.

[For text of subs 1 to 10, see M.R.]

Subp. 11. **County of financial responsibility.** "County of financial responsibility" means the county responsible for paying for foster care services for a resident under *Minnesota Statutes*, section ~~256E.08~~ 256G.02, subdivision 7 4.

[For text of subs 12 to 17, see M.R.]

Subp. 18. **Individual service plan.** "Individual service plan" means the written plan agreed upon and signed by the county of financial responsibility and the resident or resident's legal representative for the provision of social services under part 9550.0090. For persons with mental retardation or a related condition or otherwise determined eligible for case management, it means the plan agreed upon and signed under part ~~9525.0075~~ parts 9525.0004 to 9525.0036.

Subp. 19. **Individual resident placement agreement.** "Individual resident placement agreement" means the written document specifying the terms for provision of foster care to an adult that is developed under part 9555.5705 for persons receiving services under part ~~9525.0075~~ parts 9525.0004 to 9525.0036 or part 9550.0090 or under part 9555.6167 for persons not receiving community social services or services for persons with mental retardation or a related condition. The individual resident placement agreement must:

[For text of items A to D, see M.R.]

E. coordinate with the contents of the individual ~~habilitation~~ program plan developed as defined under parts ~~9525.0015~~ to ~~9525.0165~~ part 9525.0004, subpart 11, for persons with mental retardation or a related condition; and

F. coordinate with the individual service plan developed under part ~~9525.0075~~ parts 9525.0004 to 9525.0036 or part 9550.0090.

[For text of subs 20 to 25, see M.R.]

Subp. 26. **Minnesota Uniform Fire Code.** "Minnesota Uniform Fire Code" means those codes and regulations adopted by the fire marshal under *Minnesota Statutes*, section 299E011 and parts ~~7510.0200~~ 7510.3100 to ~~7510.3000~~ 7510.3280.

[For text of subs 27 to 39, see M.R.]

9555.5605 ASSESSMENT.

Subpart 1. **Assessment.** A social worker from the local agency or service agency of the county of financial responsibility shall ensure that a person seeking adult foster home placement has an assessment to determine the person's need for adult foster care.

A. An adult who has or may have a diagnosis of mental retardation or a related condition shall be assessed under part ~~9525.0065~~ parts 9525.0004 to 9525.0036.

[For text of item B, see M.R.]

C. An assessment performed under *Minnesota Statutes*, section ~~256B.091~~ 256B.0911 shall satisfy the provisions of item D.

[For text of item D, see M.R.]

[For text of subp 2, see M.R.]

Subp. 3. **Placement standards.** A person shall be appropriate for adult foster home placement if the person:

[For text of items A to E, see M.R.]

F. has been approved for placement under parts ~~9525.0015~~ 9525.0004 to ~~9525.0145~~ 9525.0036, if the adult has mental retardation or a related condition.

[For text of subps 4 to 6, see M.R.]

9555.6125 LICENSING STUDY.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Qualifications.** Operators, caregivers, and household members must meet the qualifications in items A to G.

[For text of items A to D, see M.R.]

E. Operators and caregivers must not have a diagnosis of mental retardation or a related condition and be receiving services under parts ~~9525.0015~~ 9525.0004 to ~~9525.0145~~ 9525.0036.

[For text of items F and G, see M.R.]

[For text of subps 5 to 8, see M.R.]

Subp. 9. **Variance procedure.** An applicant or operator may request a variance from compliance with parts 9555.5105 and 9555.6105 to 9555.6265. A request for a variance must comply with and be handled according to the following procedures:

A. An applicant or operator must submit a written request for a variance to the commissioner. The request must include:

(1) the sections or parts 9555.6105 to ~~9555.6275~~ 9555.6265 with which the applicant or operator cannot comply;

[For text of subitems (2) to (4), see M.R.]

[For text of item B, see M.R.]

C. An applicant or operator must submit to the commissioner written approval from a health authority of the alternative measures identified to ensure the health of residents when a variance of parts ~~9555.6225~~ 9555.6215 and ~~9555.6245~~ 9555.6225 is requested.

[For text of subps 10 to 13, see M.R.]

9555.6167 INDIVIDUAL RESIDENT PLACEMENT AGREEMENT.

The operator shall ensure that an individual resident placement agreement as defined in part 9555.5105, subpart 19, is developed, signed, and on file for the resident who is not receiving community social services under parts 9550.0010 to 9550.0092, and who does not have an individual service plan developed under ~~part 9525.0075~~ parts 9525.0004 to 9525.0036 or part 9550.0090.

9560.0652 DEFINITIONS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Mental retardation.** "Mental retardation" means the condition of a person with mental retardation as defined in part ~~9525.0015~~ 9525.0004, subpart ~~20~~ 21.

Subp. 4. **Mental illness.** "Mental illness" has the meaning given in *Minnesota Statutes*, section 245.462, subdivision 20.

REPEALER. *Minnesota Rules*, parts 9525.0015; 9525.0025; 9525.0035; 9525.0045; 9525.0055; 9525.0065; 9525.0075; 9525.0085; 9525.0095; 9525.0105; 9525.0115; 9525.0125; 9525.0135; 9525.0145; 9525.0155; 9525.0165; 9525.0180; 9525.0185; 9525.0190; 9525.0225, subpart 15; 9525.0900, subpart 11; 9525.1500, subpart 20; 9525.2010, subpart 20; and 9525.2710, subpart 16; 9525.3015, subpart 9, are repealed.

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Proposed Rules

Department of Jobs and Training

Proposed Permanent Rules Relating to Unemployment Compensation; Reports; Rates

Notice of Intent to Adopt a Rule Without a Public Hearing

The Department of Jobs and Training intends to adopt the above-entitled rules without a public hearing following the procedures set forth in The Administrative Procedures Act, *Minnesota Statutes* §§ 14.22 to 14.28.

Agency Contact Person. Comments or questions on the rule and written requests for a hearing on the rule must be submitted to:

Mr. Dan Wander
Tax Branch
Department of Jobs and Training
390 North Robert Street
St. Paul, MN 55101
612/296-3606
Fax 612/297-5283

Subject and Statutory Authority. The proposed rules are revisions of rules relating to unemployment compensation employer taxes. These rules have been developed as authorized by *Minnesota Statutes* §§ 268.021 and 268.0122, subdivision 5, which permit the Commissioner of the Department of Jobs and Training to adopt rules governing programs the Commissioner administers. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments. Persons interested in these rules have until 3:30 p.m., August 27, 1993 to submit written comments in support of or in opposition to the rules or any part or subpart of the rules. Your comments must be in writing and received by the agency contact person by the due date. Comments are encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also make a request for a public hearing on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 3:30 p.m. on August 27, 1993. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a public hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed as mailed and published in the *State Register*. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been.

Small Business Considerations. Small businesses can be affected by these rules. The affect of these rules on small businesses was considered. The agency finds that the proposed rule 3315.1020 will ease the reporting burden on all employers including small businesses. In addition, the proposed rules 3315.1315 will directly affect small businesses. The proposed rule is required to conform the state's unemployment insurance program to federal law. The agency finds that most employers affected by the proposed rule will benefit from it by being able to maintain a favorable experience rating during periods when no covered wages are due and payable.

Adoption and Review of Rule. If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the attorney general's decision on the rule. If you wish to be notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person listed above.

Dated: 7 July 1993

R. Jane Brown
Commissioner

Rules as Proposed

3315.1020 CONSOLIDATED REPORTS.

[For text of subps 1 to 9, see M.R.]

Subp. 10. **Joint account.** A joint account application shall be on forms prescribed by the department. A joint account shall be

maintained as a separate unit of the employer account of the common paymaster until that account is terminated or notification is received regarding a change of the common paymaster. A joint account generally will not be made retroactive prior to January 1 of the year preceding the year in which the application is received. However, the commissioner may for good cause extend the retroactive period when it is in the best interest of the department to do so.

[For text of subps 11 to 19, see M.R.]

3315.1315 EXPERIENCE RATES.

Subpart 1. **When chargeability begins.** For the purpose of *Minnesota Statutes*, section 268.06, subdivision 6, and this part, an employer's experience rating account first becomes chargeable with benefits on the first day ~~services were performed in covered employment of the quarter immediately following the quarter in which covered wages were first paid.~~

[For text of subps 2 and 3, see M.R.]

Subp. 4. **Previously liable employing unit.** An employing unit that ceases to be a liable employer as a result of its business being transferred or discontinued or as a result of the business entity being granted termination of coverage under *Minnesota Statutes*, section 268.11, shall regain its previous experience rating account if it should once again become subject to the law and if:

- A. less than 14 quarters have elapsed in which no covered wages were paid or due and payable;
- B. the account contains taxable payroll in the experience rate period applicable at the time it again becomes subject to the law;
- ~~B. during the period that the employing unit was not subject to the law, it had not paid wages for employment that would have been covered employment except for the fact that the employing unit was not a liable employer at the time the wages were paid;~~ and
- C. all of the experience had not been transferred to a successor.

Department of Revenue

Proposed Amendment to Permanent Sales and Use Tax Rules Relating to Airflight Equipment

Notice of Intent to Adopt a Rule Without a Public Hearing

The Department of Revenue intends to amend a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Stephen E. Krenkel
Department of Revenue
Appeals, Legal Services and Criminal Investigations Division
10 River Park Plaza
St. Paul, MN 55146-2220
Telephone number 612-296-1902 x135

Subject of Rule and Statutory Authority. The proposed rule is about sales and use taxation of airflight equipment. The amendments set forth definitions and application of the statute and exemptions that were not previously included in the rule. The statutory authority to adopt this rule is *Minnesota Statutes*, section 270.06, clause 13. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m., September 1, 1993 to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request

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Proposed Rules

for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on September 1, 1993. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, section 14.131 to 14.20.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rule as attached and printed in the *State Register*. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

Small Business Considerations. The proposed amendments to the rule are not expected to have an impact on small businesses the amendments will not change the present administration of the statutes. Further there are no requirements to file returns or remit taxes imposed by the amendments. No additional record keeping or administrative duties are required by the amendments.

Expenditure of Public Money by Local Public Bodies, Impact on Agricultural Land. The proposed amendments to the rule are expected to neither require the expenditures of public monies by local public bodies, nor to have any impact on agricultural lands; therefore, *Minnesota Statutes*, section 14.11, subdivisions 1 and 2 are inapplicable.

Adoption and Review of Rule. If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person listed above.

Dated: 15 July 1993

Morris J. Anderson
Commissioner of Revenue

Rules as Proposed

8130.6000 AIRFLIGHT EQUIPMENT.

Subpart 1. **General rule.** The sales and use tax does not apply to sales of airflight equipment to, and the storage, use, or other consumption of such property by airline companies which are subject to tax under the provisions of *Minnesota Statutes*, sections 270.071 to 270.079 (hereinafter airflight property tax). The definitions of airflight equipment contained in *Minnesota Statutes*, sections 270.071, and 297A.25, subdivision 14, are similar but are not coincident. It is necessary therefore to ascertain what airflight equipment is exempted from tax imposed by *Minnesota Statutes*, section 297A.02, by reference to the definitions of airflight equipment contained in this part and *Minnesota Statutes*, section 297A.25, subdivision 14.

Subp. 2. **Defined.** For purposes of this exemption, "airflight equipment" includes airplanes, aircraft communications and navigational equipment, flight crew equipment, flight simulators, hydraulics and all parts that are affixed thereto and become component parts thereof including hydraulic fluids, parts necessary for the repair and maintenance of such equipment, and all property subject to assessment under *Minnesota Statutes*, sections 270.071 to 270.079.

"Airflight equipment" shall not be deemed to include lubricants, repair equipment and tools, ramp equipment, or other equipment such as broilers, dishes, food boxes, thermos jugs, blankets, etc. Definitions. The definitions in this subpart apply to this part.

A. "Aircraft" means a contrivance used or designed for the navigation of flight in the air.

B. "Airflight equipment" means airplanes, aircraft communications and navigational equipment, flight crew equipment, flight simulators, hydraulics equipment, and all parts that are affixed thereto and become component parts thereof including hydraulic fluid, parts necessary for the repair and maintenance of the listed equipment, and any other property subject to assessment under Minnesota airflight property tax. Airflight equipment does not include lubricants, repair equipment and tools, ramp equipment, or other equipment such as broilers, dishes, food boxes, thermos jugs, blankets, and other equipment not subject to assessment under Minnesota airflight property tax.

C. "Airline company" means a person who undertakes, directly or indirectly, to:

(1) engage in the business of transportation by aircraft of persons or property for hire in interstate, intrastate, or international transportation on regularly scheduled flights or on intermittent or irregularly timed flights by persons in the business of providing such service;

(2) engage in the business of intermittent or irregularly timed flights, flights arranged at the convenience of an airline and the person contracting for the transportation, or charter flights making three or more flights into or out of Minnesota in a year; or

(3) hold out to the public that it will undertake to transport property or persons as an air carrier, and enter into contracts wherein it binds itself to so transport property or persons.

Airline company does not include casual transportation for hire by aircraft commonly owned and used for private airflight purposes if the person furnishing the transportation does not hold itself out to be engaged regularly in air transportation for hire.

D. "Indirectly" means a person holds out to the public that it will undertake to transport persons or property by air and enters into contracts with shippers wherein it binds itself to discharge such undertakings with regard to particular shipments. Indirect air carriers include travel agents, tour operators, and social clubs which sell tours or air transportation, air freight forwarders and others who were subject to rate regulation, or others who operate very much like an air carrier.

Subp. 3. Exemptions.

A. An airline company is exempt from sales and use tax when it purchases airflight equipment if it is subject to Minnesota airflight property tax on those purchases. The purchase of flight simulators is specifically exempted in Minnesota Statutes, section 297A.25, subdivision 14. If an airline is exempt from airflight property tax, its purchases of airflight property are subject to tax imposed by Minnesota Statutes, chapter 297A.

B. The exemptions and exceptions contained generally in Minnesota Statutes, chapter 297A, may apply regardless of whether the exemption for airline companies subject to Minnesota airflight property tax applies.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Administration

Adopted Permanent Rules Relating to Electrical Code Update

The rules proposed and published at *State Register*, Volume 17, Number 45, pages 2826-2828, May 10, 1993 (17 SR 2826), are adopted with the following modifications:

Rules as Adopted

1315.0200 SCOPE.

Subpart 1. **Electrical code.** All new electrical wiring, apparatus, and equipment for electric light, heat, power, and alarm and communication systems must comply with the regulations contained in the 1993 edition of the National Electrical Code (NEC) as approved by the American National Standards Institute (ANSI/NFPA 70-1993), *Minnesota Statutes*, section 326.243, and the Minnesota State Building Code as promulgated by the commissioner of administration. ~~The effective date of enforcement of this subpart is July 1, 1993.~~

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Adopted Rules

Department of Natural Resources

Adopted Permanent Rules Relating to Experimental and Special Management Waters

The rules proposed and published at *State Register*, Volume 17, Number 28, pages 1749-1751, January 11, 1993 (17 SR 1749), are adopted as proposed.

Board of Nursing

Adopted Permanent Rules Relating to Licensure Without Examination, Registration Renewal Including Continuing Education Requirements, Reregistration, Advanced Nursing Practice, Nursing Scholarships; Rule Reorganization

The rules proposed and published at *State Register*, Volume 17, Number 44, pages 2749-2761, May 3, 1993 (17 SR 2749), are adopted as proposed.

Board of Optometry

Adopted Permanent Rules Relating to Examinations

The rules proposed and published at *State Register*, Volume 17, Number 44, pages 2761-2763, May 3, 1993 (17 SR 2761), are adopted with the following modifications:

Rules as Adopted

6500.2400 JURISPRUDENCE EXAMINATION.

Subp. 2. **Scheduling.** An applicant for licensure in this state, ~~wishing to~~ may:

A. take the jurisprudence examination in conjunction with a nationally presented examination, ~~must apply to this state at least 30 days prior to a scheduled national examination. All other applicants for licensure in this state shall~~ according to the procedures set by the examining organization; or

B. schedule an appointment to take the jurisprudence examination with the executive director of the board.

Executive Orders

Executive Department

Emergency Executive Order 93-11: Providing for Assistance to Officials in Nobles County, Minnesota

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

WHEREAS, on July 11, 1993, seven inches of rain fell in Nobles County, adding more water to areas already flooded from previous storms; and

WHEREAS, numerous roads, homes and basements are flooded in Nobles County; and

WHEREAS, officials from Nobles County, having exhausted the resources needed to deal with the situation, now request state assistance in pumping out water in the town of Adrian, Minnesota;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty on or after July 11, 1993, in the service of the State, such elements and equipment of the military forces of the State as required and for such period of

time as necessary, to assist and support civil authorities in protecting life and property, and providing emergency services.

2. The cost of subsistence, transportation, fuel, and pay and allowances of said individuals shall be defrayed from the general fund of the State as provided for in *Minnesota Statutes* 1992, Sections 192.49, subd. 1, 192.51 and 192.52.

Pursuant to *Minnesota Statutes* 1992, Section 4.035, subd. 2, this Order shall be effective July 11, 1993, and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this twelfth day of July 1993.



Arne H. Carlson
Governor

Filed According to Law:

Joan Anderson Growe
Secretary of State

Executive Department

Emergency Executive Order 93-12: Declaring a State of Emergency in the State of Minnesota

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

WHEREAS, on June 15 and 16, 1993, areas of southern and southwestern Minnesota already saturated from earlier rainfalls received an additional four to eight inches of rain; and

WHEREAS, rainfall continued intermittently through July 19, 1993; and

WHEREAS, the heavy rainfall has resulted in widespread road and bridge closings and damage, crop destruction, building damage, potential dam and levee failures, and other threats to public safety; and

WHEREAS, the resources of local government and private relief agencies are being fully utilized to respond to the crisis; and

WHEREAS, local government and private relief agency resources are being exhausted; and

WHEREAS, in addition to the counties already declared in Executive Order 93-7, there is a threat to public safety in Becker, Big Stone, Clay, Dakota, Stevens, Swift, Traverse, Wabasha and Washington counties; and

WHEREAS, additional counties may be requesting assistance as flood waters recede;

NOW, THEREFORE, I hereby order that:

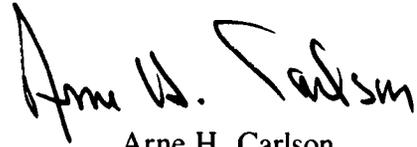
A State of Emergency exists in the State of Minnesota and do direct the Division of Emergency Management, in conjunction with the Federal Emergency Management Agency and other state and federal agencies, to determine the need for supplementary disaster aid and to coordinate the provision of any such assistance as necessary under existing state and federal authority.

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Executive Orders

Pursuant to *Minnesota Statutes* 1992, Section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1992, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this twentieth day of July, 1993.



Arne H. Carlson
Governor

Filed According to Law:

Joan Anderson Growe
Secretary of State

Revenue Notices

Effective July 1, 1991, the Department of Revenue has authority to issue revenue notices. A revenue notice is a policy statement made by the department that provides interpretation, details, or supplementary information concerning the application of law or rules. This authority was provided by the Legislature in 1991 *Session Laws* Chapter 291, article 21, section 6 and will be codified at *Minnesota Statutes* section 270.0604.

Department of Revenue

Revenue Notice #93-15: MinnesotaCare—Charitable Donations

Minnesota Statutes, section 295.53, subdivision 1(11) provides that charitable donations are excluded from the gross revenues subject to the hospital, surgical center, or health care provider taxes under sections 295.50 to 295.57, if the charitable donations are not designated for providing patient services to a specific individual or group.

To qualify for this exemption the charitable donations:

1. must be given with donative intent; and
2. cannot be for the benefit of a specific individual or specific group.

Both elements must exist for a charitable donation to be deemed a qualified donation. The donation cannot be otherwise excludible from the tax base to qualify under this provision.

Donative Intent

A qualified donation must be given with donative intent. The requirements of donative intent include:

1. complete transfers of property;
2. the donor cannot receive health care or other types of benefits from the donee;
3. donations must be to a hospital, surgical center or health care provider;
4. the donor cannot direct that the donation be used to provide health care to individuals or groups to whom the donor has a contractual or other legal obligation to provide health care coverage.

Specific Individual or Group

A qualified donation cannot be directed to specific individuals or groups.

The term "groups" does not exclude all donations where the number of potential beneficiaries is smaller than the general population. Donations to provide patient services to individuals with certain specified illnesses or within certain specified age groups, or within specified income brackets, are qualified donations. Donations given for the benefit of a group are qualified donations if the group is open to contain future members that are not identifiable at time of the transfer.

The restriction on donations designated for providing patient services to specific groups relates to groups such as a professional organization, a family, a business, an association, or a social club. Donations given for providing patient services to particular individuals

identified by name or in any other way that expressly identifies them are not qualified donations. Donations given for providing patient services to a group where the members of the group are identifiable at the time of the gift are not qualified donations.

Examples**1. Qualified donations**

- a. Donations to a clinic for the treatment of pregnant teenagers.
- b. Donations to provide patient services to low income people.

2. Non-qualified donations

- a. Donations to provide patient services to groups based on employment.
- b. Donations to provide patient services to groups consisting of family members.
- c. Donations to provide patient services to groups based on membership in an organization.

Dated: 2 August 1993

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

**Departments of Administration, Agriculture, Trade and Economic
Development, Finance, Human Services, Natural Resources,
Transportation, Metropolitan Council****Notice of Request for Résumés from Licensed Fee Appraisers**

The State of Minnesota and the Metropolitan Council are continuing a list of qualified licensed appraisers who wish to be considered for appraisal assignments by the State or other public entities for the period of September 1, 1993 through August 31, 1994. Although the State's fiscal year ends on June 30, the September 1 to August 31 date is given to coincide with the Appraiser License term.

Those appraisers whose names are on the current list and have a State Appraisal License are qualified through August 31, 1993.

I. REQUIREMENT

To be included on this list of licensed appraisers, the State invites appraisers to submit such requests together with the following:

1. A copy of his/her 1993/1994 appraiser license
2. An updated résumé of his/her:
 - Education
 - Experience
 - Clientele
 - Affiliation(s)

II. DEADLINE

Continuous education credits for the 1993/1994 license have to be submitted to the Department of Commerce by August 1. Therefore, the deadline for I. REQUIREMENT is September 15, 1993.

III. STANDARDS OF PROFESSIONAL PRACTICE

All appraisers must comply with "Uniform Standards of Professional Appraisal Practice" published by the Appraisal Foundation, 1029 Vermont Avenue NW, Suite 900, Washington, D.C. 20005.

Written complaints regarding an appraiser should be mailed to the address below. Any complaint received will be investigated by at least 2 members of the above agencies who will determine whether an appraiser should be removed from the State's List of Qualified Appraisers or not. Appraisers will be advised of the complaint and the determination made.

Official Notices

IV. ASSIGNMENTS:

Appointment to the State's List of Qualified Real Estate Appraisers is not a guarantee of subsequent assignments. The State of Minnesota reserves the right to assign appraisers at the discretion of the assigning agency, depending on the qualifications of the appraisers, geographic location, and fee requirements.

NOTE: Appraisers may reject any assignments offered.

Mail requests and other material to:

Department of Natural Resources
Bureau of Real Estate Management
Appraisal Review Unit
500 Lafayette Road, Box 30
St. Paul, MN 55155-4030

Phone calls may be directed to:

George Bekeris 612-297-4930
George Eckenroth 612-296-8329

Department of Agriculture

Agronomy Services Division

Notice of ACRRRA Law Amendments and Determination of Surcharges

The 1993 Minnesota Legislature amended provisions of the Agricultural Chemical Response & Reimbursement Law (ACRRRA Law), *MS Chapter 18E*. Specifically, amendments were made to the base levels and conditions for payment of certain annual response and reimbursement fees (surcharges) required to be paid by various Minnesota Department of Agriculture licensees, and provided an exemption from payment for pesticides designated by the Commissioner of Agriculture as sanitizers or disinfectants.

Annually, and pursuant to *MS Chapter 18E.03, Subd. 4* (1992), the Commissioner of Agriculture determines the amount of ACRRRA surcharges to be paid by various persons to adequately fund the ACRRRA Response & Reimbursement Program. On January 11, 1993, the *State Register* provided the notification of that determination for the following year.

In view of the amendments to the ACRRRA Law referenced above, the Commissioner of Agriculture believes it necessary and appropriate to re-notify affected and other interested persons that the ACRRRA surcharges for 1993 are the following:

[Changes resulting from 1993 amendments to the law are in boldface.]

1) For pesticides registered under *MS Chapter 18B.26*: a surcharge equal to 0.2 percent of sales of pesticides in the state, as well as sales of pesticides for use in the state, during the period January 1, 1993 through December 31, 1993.

Pesticides that are Sanitizers and Disinfectants are EXEMPT from surcharges for the period JULY 1, 1993 through DECEMBER 31, 1993.

2) For fertilizers, soil amendments, and plant amendments inspection fees, under *MS Chapter 18C.4254*: twenty (20) cents per ton.

3) For sites licensed under *MS Chapter 18B.31*—Pesticide Dealers; and for sites licensed under *MS Chapter 18C.415 and 18C.425*—Agricultural Fertilizer Dealers and Fertilizer Lawn Services:

\$150 Per License.

Issuance of one of the above license, \$150 is the surcharge; Issuance of two of the above license, \$300 is the surcharge (\$150 x 2); and, Issuance of three of the above license, \$450 is the surcharge (\$150 x 3).

4) For Structural Pest Control Applicator business license, under *MS Chapter 18B.32*: \$100 per license.

5) For Commercial Pesticide Applicator license, under *MS Chapter 18B.33*: \$40 per license,

Including the Turf and Ornamental Category of Commercial Applicator License

6) For Non-Commercial Pesticide Applicator License, under *MS Chapter 18B.34*: \$40 per license.

Persons desiring further information may contact the Minnesota Department of Agriculture at (612) 297-4872.

Department of Jobs and Training

Dislocated Worker Unit

Request for Information: Rapid Response Program Literature

Statement of Understanding

This request for information does not obligate the state to complete the project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Use of Information

The Department of Jobs and Training Dislocated Worker Unit, in its statutorily mandated rapid response activities, disseminates program information to communicate with its publics about services available through the Dislocated Worker Program. The response will be used to develop vendor information that will determine the costs associated with the development of program literature.

Purpose

The Dislocated Worker Unit is requesting information for technical services that will produce program literature. Program literature needs to be developed which will enable us to communicate with employers, labor organizations and laid off workers about employment and training services available through the Dislocated Worker Program. The Dislocated Worker Unit disseminates program literature at worker group orientation sessions of the workers affected by plant closings and substantial mass layoffs.

Needs

Technical assistance is needed to develop program literature concepts with a focus on individual publications. The Unit is expecting technical consulting services that will include writing, editing, research, editorial revisions and graphic design and layout. The focus of the literature will be:

1. To develop literature that will encourage employers to take certain responsible actions before executing a decision to layoff workers or close business.
2. To communicate with potential program participants, organized labor organizations and employers on program information and availability of resources.
3. To inform employers of the Worker Adjustment Retraining Notification (WARN) Act and their obligations.

INFORMATION NEEDED

1. How will the supplier address the needs identified?
2. Describe the technical assistance which will be available?
3. Provide at least 3 references in the Twin Cities area?

THE INFORMATION PROVIDED BY THE SUPPLIER WILL BE USED IN THE DESIGN AND DEVELOPMENT OF A REQUEST FOR PROPOSALS. COMPANIES THAT SUBMIT INFORMATION WILL NOT BE ASSURED OF A CONTRACT, HOWEVER, MAY BE INVITED TO SUBMIT PROPOSALS.

DEADLINE FOR SUBMISSION OF INFORMATION: August 7, 1993

For additional information call Filiberto Chairez at (612) 296-7335.

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective August 2, 1993 prevailing wage rates are certified for commercial construction projects in: Carlton county: Cloquet Middle School Boiler Room-Cloquet, Moose Lake Regional Treatment Center Cottage Remodeling-Moose Lake. Clay county: Envirosys Station Installation-Moorhead. Dakota county: Veterans Home Building #33 Reroofing-Hastings. Hennepin county: U of M Phillips-Wagensteen Building Unit B/C Elevator Modernization-Minneapolis, Bryant Lake Regional Park Phase I Architecture-Eden Prairie. Itasca county: New Sugar Lodge-Grand Rapids. Nicollet county: St. Peter Regional Treatment Center Pexton Hall and Bartlett Building Asbestos Removal-St. Peter. Pennington county: Thief River Lincoln High School-Thief River Falls. Ramsey county: White Bear Lake Early Schools/Early Childhood Development Center-White Bear Lake. Polk county: Crookston Municipal Airport 11 Unit Tee Hangar-Crookston.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.
Commissioner

Metropolitan Council

Notice of Public Hearing on Proposed Amendments to the *Transportation Development Guide/Policy Plan*

The Metropolitan Council will hold a public hearing to receive comments on proposed amendments to its transportation policies, transit system plan, and the highway system plan. The policies and plans are contained in the Council's *Transportation Development Guide/Policy Plan*. The proposed changes affect the transit and highway system plans for the region to the year 2015, requirements for local comprehensive plans, regional transportation investment priorities and future studies to be conducted by the Metropolitan Council and other transportation agencies. The amendments may affect the standards for determining projects of metropolitan significance in the metropolitan significance rules (*Minnesota Rules*, chapter 5800).

The public hearing will be held as follows: Thursday, Sept. 2, 1993, 2-3:30 p.m., and continued at 7 p.m., Metropolitan Council Chambers, Mears Park Centre, 230 E. Fifth St., St. Paul, MN. (The Chambers are wheelchair accessible.)

All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling 291-6308 or 291-0904 (TDD). Written comments may be submitted to Carl Ohrn, Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101 until Sept. 17, 1993, when the hearing record closes. Copies of the draft *Transportation Development Guide/Policy Plan* and the Regional Transit Board's comments may be obtained from the Council's Data Center by calling 291-8140 or 291-0904 (TDD). A hearing report will be prepared following the close of the hearing record. Interested persons should contact Carl Ohrn by Sept. 17 to request a copy.

Persons with disabilities may contact the Council at 291-6308 or 291-0904 (TDD) to request reasonable accommodations to make this public hearing accessible. Such requests should be made by Aug. 25, 1993.

Minnesota Early Childhood Care and Education Council

Notice is Hereby Given That the Minnesota Early Childhood Care and Education Council (ECCE) Has Scheduled the Following Meetings

Direct inquiries to: Executive Director, Minnesota Early Childhood Care and Education Council, Third Floor, Ford Building, 117 University Avenue, St. Paul, MN 55155; Phone: 612/296-1400; TDD MRS 612/297-5353 Metro) or TDD MRS 800/627-3529 (Greater Minnesota).

NOMINATING COMMITTEE MEETING—September 13, 9 a.m. to 9:30 a.m., Room 116B, Administration Building, 50 Sherburne Avenue, St. Paul, MN. for the purpose of nominating a new Chair of the Council.

REGULAR FULL COUNCIL MEETING—September 13, 1993, 9:30 a.m. to 2 p.m., Room 116B, Administration Building, 50 Sherburne Avenue, St. Paul, MN. Agenda will include the election of a new Chair. The **FINANCE AND PROGRAM COMMITTEES** will meet in the same room from 12-1 p.m. Topics will include review of the 1993-1994 budget and program needs for future meetings.

EXECUTIVE COMMITTEE MEETING—October 11, 1993, 10 a.m.-12 p.m., Third Floor, Ford Building, 117 University Avenue, St. Paul, MN.

REGULAR FULL COUNCIL MEETING—November 8, 1993, 10 a.m.-3 p.m., Room 116B, Administration Building, 50 Sherburne Avenue, St. Paul, MN. **FINANCE COMMITTEE, PROGRAM COMMITTEE, PERSONNEL COMMITTEE AND NOMINATIONS/BY-LAWS COMMITTEE** will meet in the same room from 12 p.m.-1 p.m.

REGULAR FULL COUNCIL MEETING—January 10, 1994, 10 a.m.-3 p.m., Room 116B, Administration Building, 50 Sherburne Avenue, St. Paul, MN. **FINANCE COMMITTEE, PROGRAM COMMITTEE, PERSONNEL COMMITTEE AND NOMINATIONS/BY-LAWS COMMITTEE** will meet in the same room from 12 p.m.-1 p.m.

EXECUTIVE COMMITTEE MEETING—February 14, 1994, 10 a.m.-12 p.m., Third Floor, Ford Building, 117 University Avenue, St. Paul, MN.

REGULAR FULL COUNCIL MEETING—March 14, 1994, 10 a.m.-3 p.m., Room 116B, Administration Building, 50 Sherburne Avenue, St. Paul, MN. **FINANCE COMMITTEE, PROGRAM COMMITTEE, PERSONNEL COMMITTEE AND NOMINATIONS/BY-LAWS COMMITTEE** will meet in the same room from 12 p.m.-1 p.m.

EXECUTIVE COMMITTEE MEETING—April 11, 1994, 10 a.m.-12 p.m., Third Floor, Ford Building, 117 University Avenue, St. Paul, MN.

REGULAR FULL COUNCIL MEETING—May 9, 1994, 10 a.m.-3 p.m., Room 116B, Administration Building, 50 Sherburne

Avenue, St. Paul, MN. FINANCE COMMITTEE, PROGRAM COMMITTEE, PERSONNEL COMMITTEE AND NOMINATIONS/ BY-LAWS COMMITTEE will meet in the same room from 12 p.m.-1 p.m.

Contact the Council for specific agenda details.

Department of Natural Resources

Bureau of Real Estate Management

Notice of Proposed Conveyance for the Purpose of Correcting Errors in Legal Descriptions Affecting the Ownership Interests of the State and Adjacent Landowners

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources intends to correct a boundary discrepancy which affects land presently owned by the State and land owned by Dan Froemming, Davis Froemming and Barbara West (*Minnesota Statutes* 84.0273, 1993). The State originally acquired its property by warranty deed recorded in the office of the County Recorder December 3, 1962, in Book 83 of Deeds, page 182. The State will exchange quit claim deeds with the adjacent landowner in order to resolve the boundary discrepancy. The deed from the State to Dan Froemming, Davis Froemming and Barbara West will contain the following legal description:

A parcel of land one (1) rod wide lying and being adjacent to the East line of the West Half of the West Half of the Northwest Quarter (W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Thirty-three (33), Township One Hundred Thirty (130), Range Thirty-eight (38) and more particularly described as follows, to-wit: Beginning at the Northeast Corner of the West Half of the Northwest Quarter of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$), said Section Thirty-three (33) in Township One Hundred Thirty (130), Range Thirty-eight (38); thence South to a point 100 feet north of the shore of Indian Lake in said section; thence West one (1) rod; thence North to the North line of said Section Thirty-three (33); thence East and along said North line to the place of beginning. Together with a parcel of land described as follows: Beginning at a point on the East line of the West Half of the West Half of the Northwest Quarter (W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Thirty-three (33), Township One Hundred Thirty (130), Range Thirty-eight (38), which is 100 feet North of the shore of Indian Lake in said Section; thence South 100 feet to the shore of Indian Lake; thence Northwesterly along the shore of Indian Lake 50 feet; thence North to a point directly West of the point of beginning; thence east to the point of beginning, containing .5 acre more or less.

For further information contact the Bureau of Real Estate Management, DNR, 500 Lafayette Road, St. Paul, MN 55155, (612) 296-0636.

Minnesota Pollution Control Agency

Hazardous Waste Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rule Governing Hazardous Waste Generator and Facility Fees, *Minnesota Rules* Chapter 7046

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from sources outside the Agency in preparing to propose rule amendments to *Minnesota Rules* chapter 7046 which governs the payment of fees for hazardous waste generators and facilities. *Minnesota Rules* chapter 7046 is authorized by *Minnesota Statutes*, § 116.12. Agency staff anticipate proposing rule amendments that simplify the fee structure for large and small quantity generators. The flat fee structure for very small quantity generators is not anticipated to change. Agency staff anticipate that total fees proposed for the next two years (Fiscal Years 1994 and 1995) will correspond closely to the fees collected during previous two years (Fiscal Years 1992 and 1993).

The Agency requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Jim Brist or Jeanne Eggleston
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: 612/297-8331 or 297-8371

Oral statements will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

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Two public meetings have been scheduled to discuss the rule amendments. Both meetings will be held in the Agency Board Room at 520 Lafayette Road North, St. Paul. The dates and times are:

Wednesday, August 11—1:30 p.m.

Friday, August 27—1:30 p.m.

Interested parties are invited to attend both meetings. The August 11th meeting will be for attendees, including Agency staff, to discuss basic issues and to make proposals. At the August 27th meeting, Agency staff will present the Agency response to information and ideas discussed at the first meeting and will present proposals to amend *Minnesota Rules* chapter 7046.

All statements of information and opinions will be accepted until 4:30 p.m., Wednesday, September 1, 1993. Any written material received by the Agency will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Charles W. Williams
Commissioner

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. These vacancies will remain open for application through August 24, 1993. Appointing Authorities may also chose to review applications received after that date. Applications are kept on file for a one year period.

The 1992 Annual Compilation and Statistical Report is available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the 1992 fiscal year. The cost of the 1992 Annual Compilation is \$5.50 per copy plus sales tax. There is a \$2.00 charge for mailing per order; an order may include any number of copies. To order copies of the 1992 Annual Compilation please call the Minnesota Bookstore at 297-3000 or 1-800-657-3757.

ADVISORY COMMITTEE ON GENETICALLY ENGINEERED ORGANISMS

300 Centennial Office Bldg., 658 Cedar St., St. Paul, MN 55155. 612-296-2871.

1989 Session Laws, Chpt 346, Sec. 4.

APPOINTING AUTHORITY: MN Environmental Quality Board. **COMPENSATION:** None.

VACANCY: Fifteen positions: No statutory qualifications to fulfill. The Environmental Quality Board has directed the fiscal year 1994 Committee to continue the work begun by the 1993 Committee in advising the Board on proposed changes to the genetically engineered organism law and rules relating to the commercial sale of products containing a genetically engineered organism. The Board may also direct the Committee to provide advice and comment regarding the implementation of the 1993 Committee recommendations. Call (612) 296-2871 for a copy of the complete charge. Applicants should disclose any financial or professional interest in the commercial or research aspects of biotechnology.

The committee provides advice to the MN Environmental Quality Board on general issues involving genetic engineering and on issues relating to specific proposals for the release of genetically engineered organisms into the environment. The committee consists of fifteen members. Meetings are generally held in St. Paul at the request of the Board.

ADVISORY TASK FORCE ON DIVESTMENT, STATE BOARD OF INVESTMENT

Room 105 MEA Building, 55 Sherburne Ave., St. Paul, MN 55155. 612-296-3328.

Resolution by State Board of Investment.

APPOINTING AUTHORITY: State Board of Investment. **COMPENSATION:** None.

VACANCY: Three positions: one member from the Minnesota corporate community, one member from a Minnesota public employee labor group, and one member from a Minnesota public employee retirement group.

The task force is charged with monitoring implementation of the Resolution of the Minnesota State Board of Investment on South Africa. The task force consists of eight members, three members appointed by the State Board of Investment through the Open Appointments process: one member from the Minnesota corporate community, one member from a Minnesota public employee labor group, and one member from a public employee retirement group. Meetings occur once a year, two hours in length, at the State Board of Investment.

COUNCIL ON BLACK MINNESOTANS

2233 University Ave., Suite 426, St. Paul, MN 55114. 612-642-0811.
Minnesota Statutes 3.9225.

APPOINTING AUTHORITY: Governor. COMPENSATION: Per diem for public members.

VACANCY: One vacancy.

The council makes recommendations to the governor and legislature on improving the economic and social conditions of African American and Native African Minnesotans. The governor appoints eleven public members who must represent persons of African descent throughout the state, and must include at least five males and five females. The legislature appoints two senators and two representatives who serve as ex-officio, non-voting members.

GOVERNOR'S ADVISORY COUNCIL ON TECHNOLOGY FOR PERSONS WITH DISABILITIES

MN Dept. of Administration, 300 Centennial Bldg., 650 Cedar St., St. Paul, MN 55155. 612-297-1554.
Executive Order 92-05.

APPOINTING AUTHORITY: Governor. COMPENSATION: None.

VACANCY: One vacancy: member to be appointed from consumers, service providers, third party payers, private sector, education, or library systems.

The council will coordinate, support and advance technology uses for persons with disabilities through public awareness, advocacy, training, consumer involvement, expanded service delivery, interagency coordination and insuring services to people of all ages. The council consists of fifteen members representing the private sector, consumers, service agencies, third party funding sources, education, and library systems.

HEARING INSTRUMENT DISPENSER ADVISORY COUNCIL

717 Delaware St. S.E., Box 9441, Mpls., MN 55440. 612-623-5751.
Minnesota Statutes 214.13.

APPOINTING AUTHORITY: Commissioner of Health. COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: applicants must have passed the MN Hearing Instrument Dispenser Examination or an equivalent exam in another state. Applicants must be currently, and for the past five years immediately preceding their appointment, engaged in hearing instrument selling in Minnesota. Audiologists are not eligible to fill this vacancy. *Minnesota Rules* 4745.0060 states "no two members of the advisory council shall be employees of, or have binding contracts requiring sales exclusively for, the same hearing instrument manufacturer or the same employer." Applicants must state on their application their current employer(s) and if the applicant has a contract requiring exclusive sales with a hearing instrument manufacturer, the name of the manufacturer.

The council advises the Commissioner of the Department of Health on matters relating to registration and regulation of hearing instrument dispensers including: registration standards, enforcement of registration rules, and continuing education. The advisory council consists of seven members, including two public members as defined by *Minnesota Statutes* 214.02, one to be a hearing instrument user and one to be either a hearing instrument user or an advocate of a hearing instrument user; three hearing instrument dispensers registered under *Minnesota Rules* and are currently, and have been for the five years preceding appointment, engaged in hearing instrument selling as defined by *Minnesota Statutes* 153A.13, subd. 4; one audiologist engaged in hearing instrument selling as defined by *Minnesota Statutes* 153A.13, subd. 4, and who is registered under *Minnesota Rules* as an audiologist or, if no such rules exist at the time of appointment, holds a current Certificate of Clinical Competence from the American Speech-Language-Hearing Association; and one member to be either an audiologist, as defined above, or a Minnesota licensed physician specializing in treatment of diseases of the ear who is either board eligible or board certified by the American Board of Otolaryngology - if a physician is appointed to this position, the physician must not be a seller of hearing instruments and must not have a financial interest in the business of selling hearing instruments. Monthly four-hour meetings for the first six months after creation; quarterly thereafter. Meetings held at the Minnesota Department of Health.

MN BOARD OF CHIROPRACTIC EXAMINERS PEER REVIEW COMMITTEE

2700 University Ave. W., Suite 20, St. Paul, MN 55114-1089. 612-642-0591.
Minnesota Statutes 148.01 - 148.106.

APPOINTING AUTHORITY: Executive Director, State Board of Chiropractic Examiners. COMPENSATION: \$55 per diem.

VACANCY: One vacancy: professional member, must be available to attend first meeting on Tuesday, October 12 at 12:30 p.m.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. The committee consists of seven members, including five chiropractors and two consumer members. Terms are varied.

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MN INDIAN SCHOLARSHIP COMMITTEE

727 Capitol Square Bldg., St. Paul, MN 55101. 612-296-6458.

Minnesota Statutes 124.48.

APPOINTING AUTHORITY: State Board of Education. **COMPENSATION:** Reimbursed for expenses.

VACANCY: Fifteen positions: Please refer to the description of this committee.

The committee advises the State Board of Education on amounts and types of scholarships granted to American Indian post-secondary students, and in the State Board's duties in allocating monies for Indian post-secondary programs and Indian Teacher Training Programs. Indian Teacher Training program to Minnesota schools. The committee consists of fifteen members including: one Minneapolis/urban representative, one St. Paul/urban representative, one Duluth/urban representative, and three at-large persons (these six members to be endorsed and nominated by the Indian Affairs council); two representatives of the Sioux Communities/Tribe endorsed and nominated by the Sioux Communities/Tribe Council (Prairie Island, Upper Sioux, Lower Sioux, Mdwakanton); and one representative each of the following, to be endorsed and nominated by each Tribal Council: Bois Forte, Fond du Lac, Grand Portage, Leech Lake, Mille Lacs, Red Lake, and White Earth. Terms are for four years. The committee has up to six regularly scheduled meetings each year.

MN ZOOLOGICAL BOARD

13000 Zoo Boulevard, Apple Valley, MN 55124. 612-431-9200.

Minnesota Statutes 85A.01.

APPOINTING AUTHORITY: Governor, Zoo board. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: One vacancy: Preferably someone from the Eighth Congressional District. Members should have background or interest in zoological societies or zoo management, or an ability to generate community interest in the Minnesota Zoo. To the extent possible, members will be appointed who are residents of various geographical regions of the state. Members should have the ability to raise significant funds from the private sector.

The board operates and maintains the Minnesota Zoological Garden. The board consists of thirty members who must have a background or interest in zoological societies, zoo management, or an ability to generate community interest in the Minnesota Zoological Garden. Fifteen of the members are appointed by the governor, one of whom must be a Dakota county resident appointed after consideration of a list supplied by the Dakota county board; and fifteen of the members are appointed by the Minnesota Zoological Board. To the extent possible, members will be appointed who are residents of the various geographical regions of the state. Members should have the ability to raise significant funds from the private sector. Meetings at the Minnesota Zoological Garden, six times a year.

NONPUBLIC EDUCATION COUNCIL

710 Capitol Square Bldg., St. Paul, MN 55101. 612-296-6595.

Minnesota Statutes 123.935.

APPOINTING AUTHORITY: Commissioner of Education. **COMPENSATION:** \$55 per diem, reimbursed for expenses.

VACANCY: One vacancy.

The council advises the commissioner and the state board on nonpublic educational aids. When requested by the commissioner or the state board, the council may submit its advice about other nonpublic school matters. The council is also authorized to recognize educational accrediting agencies for purposes relating to Minnesota's Compulsory Instruction Law. The fifteen member council shall represent various areas of the state, methods of providing nonpublic education, and shall be knowledgeable about nonpublic education.

PHYSICIAN ASSISTANT ADVISORY COUNCIL

Board of Medical Practice, Suite 106, 2700 University Ave. W., St. Paul, MN 55114-1080. 612-642-0538.

Minnesota Rules 5600.2665.

APPOINTING AUTHORITY: Commissioner of Health. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: One vacancy: Public member representative.

The council advises the Board of Medical Practice regarding physician assistant registration standards and the complaint/discipline process, and provides for distribution of information regarding standards. Seven members include two public members, three physician assistants, two licensed physicians (one of whom must be a representative of the Board of Medical Practice). Bimonthly meetings.

POWER PLANT SITING ADVISORY TASK FORCE ON WIND POWER IN MINNESOTA

Environmental Quality Board, Room 300 Centennial Building, 658 Cedar St., St. Paul, MN 55155. 612-296-5089.

Minnesota Statutes 116C.59.

APPOINTING AUTHORITY: Environmental Quality Board Chair. **COMPENSATION:** Expenses.

VACANCY: Up to twenty-one positions: Statewide representation. *Minnesota Statutes* 116C.59 states: "No officer, agent, or employee

of a utility shall serve on the task force.”

The task force shall provide advice and recommendations to the Minnesota Environmental Quality Board on the following: a) At what level of government and at what threshold of committed or anticipated generating capacity in a given geographic area should wind power development be regulated; b) How should the MEQB amend the Power Plant Siting Act and/or rules to better address the environmental issues specific to wind power; c) Are new rules and/or standards specific to wind power necessary to effectively consider turbine noise levels, turbine density, setbacks, siting on prime farm land or near major migratory flyways and related environmental issues; d) For incremental additions of wind generation how should cumulative effects be addressed; 3) How should the possible need for additional transmission and distribution lines, substations, and backup generation be considered in a regulatory process; and f) How should the MEQB address the issue of Critical Area designation for all wind resource areas. Recommendations must be made to the MEQB by June 16, 1994. The task force shall consist of up to twenty-one members, with statewide representation. No officer, agent, or employee of a utility shall serve on the task force. Meeting schedule and locations to be determined.

PRACTICE PARAMETER ADVISORY COMMITTEE

717 Delaware St. SE, Mpls., MN 55414.

Minnesota Statutes 62J.32, subd. 4 as amended by Laws of 1993.

APPOINTING AUTHORITY: Commissioner of Health. **COMPENSATION:** Expenses.

VACANCY: Correction of July 5, 1993 announcement for a Health Plan representative: Members of this committee do not receive a per diem compensation. All other information regarding this vacancy remains the same.

The committee presents recommendations on the adoption of practice parameters and provides technical assistance as needed to the Commissioner of Health and the Minnesota Health Care Commission. The committee consists of fifteen members including eight health care professionals and representatives of the research community and medical technology industry. Meetings held at various locations on the first Thursday of each month, 9:00 to 12:00 AM.

REHABILITATION ADVISORY COUNCIL FOR THE BLIND

DJT, State Services for the Blind, 2200 University Ave. W., #240, St. Paul, MN 55114-1840. 612-642-0887.

Minnesota Statutes 248.10 amended by Laws of 1993, Ch. 97.

APPOINTING AUTHORITY: Governor. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: Five new positions: One representative of the Statewide Independent Living Council established under Section 705 of the Rehabilitation Act, this representative may be the chairperson or other designee of the council; One representative of a parent training and information center established pursuant to Section 631(c)(9) of the Individuals with Disabilities Education Act (10 U.S.C. 1431(c)(9)); One representative of the client assistance program established under Section 112 of the Rehabilitation Act; One vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs for the blind and visually handicapped; and One representative of community rehabilitation program service providers, providing services to blind and visually handicapped persons.

The council advises the commissioner of Jobs and Training about programs of the division of services for the blind and visually handicapped. The council is limited to fifteen members, a majority of whom must be blind or visually handicapped and not employed by State Services for the Blind. Meeting schedule to be determined, meetings will be held at State Services for the Blind.

STATEWIDE INDEPENDENT LIVING COUNCIL

State Services for the Blind jointly with Rehabilitation Services; 2200 University Ave. W, #240, St. Paul, MN 55114-1840. 612-642-0863

Public Law 93-112 (Rehabilitation Act of 1973, Sec. 705).

APPOINTING AUTHORITY: Governor. **COMPENSATION:** \$55. per diem plus expenses.

VACANCY: Twenty-one positions; including sixteen to be appointed by the Governor. Please see the description of this new council.

The council shall monitor, review, and evaluate the implementation of the state plan for independent living; jointly develop and submit in conjunction with the designated state agency, the state plan required in section 704 of the Rehabilitation Act of 1973 as amended by Public Law 93-112; coordinate activities with the State Rehabilitation Advisory Council established under section 105 of the Rehabilitation Act and other councils that address the needs of specific disability populations and issues under other federal law; ensure that all regularly scheduled meetings of the council are open to the public and sufficient advance notice is provided; and submit to the Commissioner of Rehabilitation Services Administration such periodic reports as the commissioner may reasonably request and keep such records, and afford such access to such records, as the commissioner finds necessary to verify such reports. The council is composed of seventeen voting and four ex-officio members for a total of twenty-one members: one director of a center for independent living by the directors of centers for independent living within the state; four ex-officio non-voting members consisting of one representative from the Department of Jobs and Training, Division of Rehabilitation Services, one representative from the Division of State Services for the Blind, two representatives from other state agencies (not Department of Jobs and Training) that provide services for individuals with disabilities; and sixteen members from the following: representatives from centers for independent living, parents

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and guardians of individuals with disabilities, advocates of and for individuals with disabilities, representatives from private businesses, representatives from organizations that provide services for individuals with disabilities, and other appropriate individuals. The above persons must provide statewide representation, represent a broad range of individuals with disabilities, and be knowledgeable about centers for independent living and independent living services. A majority of the above must be individuals with disabilities described in section 7(8) (B) of the Rehabilitation Act, not employed by any state agency or center for independent living, and of these, three members must be blind, one of these with an additional severe disability. Meeting schedule and locations undetermined at this time.

WASTE EDUCATION COALITION

Office of Waste Management, Waste Education Program, 1350 Energy Lane, St. Paul, MN 55108. 612-649-5750.
Minnesota Statutes 115A.072.

APPOINTING AUTHORITY: Office of Waste Management. **COMPENSATION:** Expenses.

VACANCY: Eighteen positions: Please refer to the description of this coalition.

The coalition is to advise and assist the staff of the Office of Waste Management to develop, implement, and coordinate state and regional resources in an integrated long-term waste education program which encourages the reduction, reuse, resource recovery, and proper management of solid and hazardous wastes. Eighteen members: one member each from the Pollution Control Agency, Metropolitan Council, Dept. of Education, Dept. of Agriculture, Environmental Education Board, Environmental Quality Board, educational institutions, other public agencies with responsibility for waste management or public education, and three persons representing private recycling or solid waste industries. Meeting schedule: up to twice a month, five hours a month, at the Office of Waste Management.

YOUTHBUILD ADVISORY COMMITTEE

Department of Jobs & Training, Community Based Services Division, 390 N. Robert St., St. Paul, MN 55101. 612-296-7243.
Minnesota Statutes 268.361, subd. 6.

APPOINTING AUTHORITY: Governor. **COMPENSATION:** Expenses.

VACANCY: Thirteen positions: including seven to be appointed by the Governor. Please see the description of this new committee.

The committee selects eligible organizations to receive program grants to provide education and training services to targeted youth, evaluating final reports of each organization, and providing recommendations to the legislature. The committee consists of thirteen members, including representatives of the commissioners of Education, Human Services, Jobs and Training, Housing Finance Agency, a representative of the chancellor of vocational education, and the director of the Office of Jobs Policy, and seven public members experienced in working with targeted youth, one from each of the following groups: labor organizations, local educators, community groups, consumers, local housing developers, youth between the ages of 16 and 24 who have experienced homelessness, and other homeless persons. At least three of the public members must be from outside the metropolitan area. One eight hour meeting in September, location to be determined.

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Corrections

Notice of Availability of Funds for Services to Victims of Crime

The Minnesota Department of Corrections, Victims Services Unit, announces the availability of grant funds for direct services, community and professional education, and systems change related to crime victimization. Initial grants are for a nine-month period October 1, 1993-June 30, 1994, and are intended to be continuing. Funds are made available through the Minnesota State Legislature.

Grants will be awarded to programs serving Minnesota residents in each of the following areas:

1. Four grants for \$26,250 are available to provide services to sexual assault victims within unserved geographical areas or for underserved populations. After the initial grant period, successful applicants may be eligible to apply for annual funding of \$35,000.
2. Three grants for \$18,000 are available to provide community advocacy or criminal justice intervention services to battered women and their families in unserved or underserved geographical areas or for underserved populations. After the initial grant period, successful applicants may be eligible to apply for annual funding of \$27,000.

3. Ten grants for \$24,000 are available to provide services to abused children within unserved geographical areas or for underserved populations. After the initial grant period, successful applicants may be eligible to apply for annual funding of \$32,000.

4. Seven grants of \$24,000 are available to provide services to victims of general crimes as defined in *Minnesota Statutes* 611A.01(b). At least five programs must be in unserved geographical areas. Two grants may be for unserved or underserved geographical areas or for underserved populations. After the initial grant period, successful applicants may be eligible to apply for annual funding of \$32,000.

Private, non-profit organizations and governmental units are eligible to apply for these funds. The deadline for submission is September 17, 1993. To receive a request for proposals which describes how to apply, contact: Margaret Miller, Minnesota Department of Corrections, Victim Services Unit, 300 Bigelow Building, 450 North Syndicate, St. Paul, MN 55104 (612) 642-0251.

Department of Education

Announcement of Intended Use of Federal Funding of \$221,529 from the Dependent Care Development Grant and Invitation to Comment; Current Program Description Included

The Minnesota Department of Education is announcing the intended use of payments the State will receive under State Dependent Care Development Grants Act, 42 USC 9871 as amended by P.L. 101-501 and is inviting comments.

The Department of Education intends to continue to provide leadership and coordination throughout the state in the development of a wide variety of training opportunities for School Age Child Care (SACC) providers; technical assistance to communities and schools interested in starting or expanding SACC programs and identifying resources and providing opportunities to better address the changing needs of Minnesota families for school age child care.

The Department of Education intends to continue to coordinate with the Department of Human Services through an interagency agreement in order to strengthen and automate the statewide Child Care Resource and Referral network. There will be particular effort on the network's ability to respond to parental and community needs regarding SACC. The intent is to continue the current division of 60% of the funds for SACC and 40% for Resource and Referral.

Your comments or oral responses are encouraged, and should be directed to Catharine Cuddeback, Room 923 A Capitol Square Building, St. Paul, Minnesota 55101 (612) 296-1436.

Required Program Description

A. Number of children who participated in school based SACC programs:

	<u>Public</u>	<u>Non-public</u>
before school	12,100	831
after school	19,300	1,109

B. Salary level and benefits paid to SACC employees:

	<u>Public</u>	<u>Non-public</u>
● Average hourly wage:		
program supervisor	\$8.89	\$7.68
program teacher	7.69	6.87
program aide	6.14	5.78
● Percentage of staff receiving health benefits:	88%	48%

C. Characteristics of the 19,300 children served in public school programs:

<u>Classification</u>	<u>Percent of total</u>
kindergarten-2nd grade	60%
kindergarten-3rd grade	77%
fifth grade & up	10%
children with disabilities	.020%

Income levels

● children on free or reduced price school lunch status	15.8%
● children whose slots are reimbursed by state and/or county sliding fee monies	8.4%

State Grants

D. Number of clients served in child care resource and referral systems:

Families	25,291
Children	35,697
• types of assistance requested:	
infant care	11,615
toddler care	3,471
preschool care	6,995
school age care	3,957
special needs care	276

Minnesota Planning Agency

Multiple Agency Grants

Notice of availability of federal and state grant funds.

FUND CATEGORY	ESTIMATED SIZE OF AWARDS	DOLLARS AVAILABLE	APPLICATION DEADLINE	SOURCE OF FUNDS
Planning Grants for Family Services Collaboratives and Community-Based Collaboratives	Up to \$30,000	Up to \$2.4 million	Oct. 15, 1993	1993 Omnibus Education and Health and Human Services Bill
Implementation Grants for Family Services Collaboratives and Community-Based Collaboratives	Up to \$500,000 for 2 years	\$5.3 million (Up to \$2 million available in fall 1993 with remaining funds available in fall 1994)	Dec. 1, 1993	
Community Crime and Drug Prevention	\$10,000-\$100,000	\$1,080,000	Oct. 15, 1993	Bureau of Justice Assistance Federal Drug Abuse Act of 1988 and M.S. 299A.34 and 299A.35
Municipal Curfew Enforcement	\$25,000-\$50,000	\$100,000	Oct. 15, 1993	M.S. 299A.35 1993 Omnibus Crime Bill
Drug Abuse Resistance Education Programs	Up to \$4,000	\$177,000	Oct. 15, 1993	Drug Free Schools and Communities Act

MINNESOTA'S PREVENTION & INTERVENTION FUNDING is an application process to assist community programs by coordinating funds from a variety of sources. Grant funds support comprehensive approaches to the complicated problems facing our communities. By coordinating grant applications, funds are available from five sources for cooperative efforts.

Applications will be accepted through this process for the newly legislated FAMILY SERVICES COLLABORATIVES and COMMUNITY-BASED COLLABORATIVES. These collaboration grants are designed to foster cooperation and collaboration and assist communities in coming together to improve results for Minnesota's children and families. By providing incentives for better coordination of services, Minnesota hopes to increase the number and percentage of babies and children who are healthy, children who come to school ready to learn, families able to provide a healthy and stable environment for their children, and children who excel in basic academic skills. Legislation provides new funding for two types of collaborative ventures: family services collaboratives

Professional, Technical & Consulting Contracts

and community-based collaboratives. Planning grants and implementation grants are available. Funds are also available for Community Crime and Drug Prevention, Municipal Curfew Enforcement and Drug Abuse Resistance Education Programs.

The application process is held once or twice a year based on availability of funds. Grant programs change depending on the availability of funds. This is a collaborative effort among the Children's Cabinet, the Chemical Abuse Prevention Resource Council and 11 state agencies: departments of Administration, Finance, Public Safety, Corrections, Jobs and Training, Education, Transportation, Human Services, Health, Housing Finance and Minnesota Planning. The application process is coordinated by the Prevention & Intervention Work Group.

Applications are available August 1, 1993 and are automatically sent to school superintendents, county social service directors and community health service administrators.

To receive an application call the application hotline and leave a detailed message:

Application Hotline (612) 297-1419 or 1-800-934-7113

Or write:

Minnesota Planning
Prevention & Intervention Funding
658 Cedar Street
St. Paul, MN 55155

TDD (612) 297-5353 or 1-800-627-3529 Minnesota Relay Services, ask for Minnesota Planning at (612) 297-1419.

Upon request, this brochure will be made available in an alternate format, such as Braille, large print or audio tape.

Application workshops will be held in the Twin Cities, Rochester, Mankato, Marshall, St. Cloud, Detroit Lakes, Duluth, and Bemidji. A schedule will be sent with applications.

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Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TDD (612) 297-5353 and ask for 296-2600].

Minnesota Department of Commerce

Request for Proposal for Businesses Wishing to Act as Consultant for the Recovery of Unclaimed Funds and Stock

The Minnesota Department of Commerce, Unclaimed Property Section is seeking proposals from qualified businesses interested in contracting with the State of Minnesota for the recovery of unclaimed funds and stock pursuant to the *Minnesota Unclaimed Property Act Statutes* § 345.31 to 345.60.

Minnesota Statute § 345.455 of the Act allows the Commissioner of Commerce to request an entity to recover unclaimed property on his behalf. Fees will be paid based on a percentage of the value of any property recovered.

For a copy of the RFP, contact Sandy Mackenthun, Minnesota Department of Commerce, Unclaimed Property Section, 133 E. 7th St., St. Paul, MN 55101. (612) 296-2568.

The deadline for submission of letters of intent is August 6, 1993.

Department of Education

Notice of Requests for Proposals: Model Transition Demonstration Sites.

Minnesota's Transition System's Improvement Initiative (a federally funded cooperative agreement with Minnesota's Departments of Education and Jobs and Training from the U.S. Office of Special Education and Rehabilitative Services) would like to offer Minnesota's school districts and communities this unique opportunity to develop and demonstrate exemplary transition practices.

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Purpose of demonstration: The purpose of this demonstration project is to promote systems of change and improvement in schools and communities by developing and demonstrating exemplary practices that meet the needs and desired outcomes of individuals with disabilities who are in transition from high school to adult life. These demonstration sites will provide information useful in the process of systems change to improve transition services for youth with disabilities throughout the state of Minnesota. Successful applicants will show evidence of strategies used to date in developing the components listed below, plans to extend and improve these areas even further given funding and technical assistance over the next year, and how these strategies can be shared and replicated beyond their school and community.

Benefits to Grantees: Ongoing technical assistance will be provided by the Institute on Community Integration at the University of Minnesota and by a resource team of state level professionals from the Division of Rehabilitation Services, State Services for the Blind, Special Education and Vocational Education. State-of-the-art written resources will also be provided. Grantees will be invited to work in partnership with state level policy makers and other demonstration sites in the design, implementation, and replication of innovative transition strategies and services.

Eligible applicants: Any school districts in collaboration with their Community Transition Interagency Committee may submit a proposal. Three to five proposals will be selected for funding. Sites will be selected across a variety of locations and sizes.

Project costs: Three to five proposals will be funded in amounts ranging from \$10,000 to \$20,000. Funds are to be used for planning, development and dissemination of materials, inservice training (including travel and/or registration for meetings, workshops and conferences), consultation, and funds to promote parent and students involvement in systems improvement efforts. Funds cannot be used for staff salaries or equipment.

Deadline for submission of applications: Proposals must be received by 4:00 p.m., September 15, 1993.

For a copy of the entire Request for Proposals, contact

Cheryl Bates
Transition Systems Improvement Initiative
Minnesota Department of Education
9th floor, Capital Sq. Bldg.
550 Cedar St.
St. Paul, MN 55101
Phone: 612/296-5660

State Designer Selection Board

Request for Proposal for Two Projects

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select designers for two projects. Design firms who wish to be considered for these projects should deliver proposals on or before 4:00 p.m., August 24, 1993, to:

George Iwan
Executive Secretary, State Designer Selection Board
Room G-10, Administration Building
St. Paul, Minnesota 55155-3000

The proposal must conform to the following:

1. Six (6) copies of the proposal will be required.
2. All data must be on 8½" x 11" sheets, soft bound.
3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4. Mandatory Proposal contents in sequence:

a. Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.

b. Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. Identify roles that such persons played in projects which are relevant to the project at hand. **NOTE NEW REQUIREMENT:** The proposal **must** contain a statement indicating whether or not the consultants listed have been contacted and have agreed to be a part of the design team.

Professional, Technical & Consulting Contracts

c. A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.

d. A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) submitting this proposal during the four (4) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. NOTE: Please call for a copy of the acceptable format for providing this information.

e. A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.

The proposal shall consist of no more than twenty (20) pages. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

5. Statutory Proposal Requirements:

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

The proposal will not be accepted unless it includes one of the following:

- a. A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
 - b. A state certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
 - c. A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or
 - d. A statement certifying that the firm has an application pending for a certificate of compliance.
6. Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:
- a. Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
 - b. Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures, their schedule for the project herein described or the fee format form may be referred to George Iwan at (612) 296-4656.

7. Project—04-93

Secure Detention Cottage
Minnesota Correctional Facility—Red Wing
Total Project Cost: \$3,020,000.00

GENERAL DESCRIPTION OF PROJECT: To develop a plan for a 30 bed residential cottage for the detention of violent and predatory juvenile offenders on the MCF-Red Wing Campus.

PROJECT DETAILS: This project will include the development of Architectural and Engineering plans, through construction documents, for a 30 bed residential detention facility at the MCF-Red Wing. The facility shall include a public zone, areas for administration and support services, housing support, program services mechanical area and outdoor recreation.

This project will involve the installation of an electronic security and surveillance system, other security devices, fire safety systems, and the extension of electrical/mechanical systems from existing buildings or the design and installation of new HVAC equipment; and the identification and specification of related program equipment.

The facility should be designed using techniques that are consistent with the construction and design of maximum security juvenile facilities as a minimum and meet all ADA and ACA standards.

WORK TO BE PERFORMED BY THE DESIGNER: The work for this project will include designing of new space. The following items are included: The preparation of specifications, drawings and related documents, including schematics, design development documents, construction documents.

Professional, Technical & Consulting Contracts

FEE: Designer fee will be 8% of the allocated construction cost.

DESIGNER'S QUALIFICATION: The designer selected for this project shall have a demonstrated track record in the design and construction of minimum, medium, and maximum, long term security correctional facilities. Questions concerning this project may be referred to James Zellmer at (612) 642-0247.

7b. PROJECT—05-93

Replace One Boiler and Accessories
St. Cloud State University

APPROPRIATION: \$200,000.00 to design through construction documents a project with an estimated construction budget of \$2,000,000.00.

SCOPE OF PROJECT: Replace existing 32 year old 30,000 pound per hour (pph) boiler with new 100,000 pph boiler including related mechanical and electrical equipment. Asbestos abatement if required will be outside the project budget and by others. Bidding and construction will be upon receipt of a future appropriation. The new boiler will be installed in the existing heating plant building; no new construction is expected.

Confirm the appropriate boiler size through study of the existing demand, projected demand, and capacity of the other boilers. The new boiler is expected to burn natural gas as its primary fuel; an alternative fuel and fuel delivery system for all boilers (currently No. 6 fuel oil), will be considered. Feed pumps, deaerator tank, burner, and other accessories will require careful evaluation and design. Variable frequency drives will be considered for all new electrical equipment. An economizer (water and/or combustion air pre-heat) will be considered for both new and existing boilers. Pollution reduction will be analyzed and options evaluated. Stack design and corrosion are particular concerns. Reconfigure combustion air delivery. A common boiler control system will be installed. Modify existing boiler footings, and other parts of the existing building as required.

SITE: Project location is the existing heating plant building.

PURPOSE OF PROJECT: Universities peak system steam demand is currently approximately 77,000 pph. Existing boilers are 30, 40, and 70 thousand pph; the 30 thousand pph boiler to be replaced has failed. The 100,000 pph replacement boiler is expected to increase capacity sufficient to provide redundant service for current demand, new construction currently in design (library), and some future growth.

ENGINEERING RESPONSIBILITIES: The engineer will be responsible for such tasks as review of the Universities heating plant study report completed in 1989; design through construction drawings, including a schematic design report and a cost estimate at each stage of the design; bid review and recommendation; and project construction administration including but not limited to preparation of construction change orders, review and approval/rejection of shop drawings and payment requests, oversight of project for owner (including on-site observation and chairing construction meetings), and recommendations to the owner as to project acceptance. Design and construction will be done consistent with Minnesota State University System design standards.

Prior experience with installation of boilers of similar size is required. Engineer selected must have personnel assigned to the project with sufficient construction experience to assure execution of the work in accordance with the construction documents. Engineer will be required to assist the University in obtaining Minnesota Pollution Control Agency permits and other regulatory approvals.

ENGINEERING FEES: To be negotiated.

UNIVERSITY CONTACT:

Eugene Gilchrist, Vice President for Administration
Administrative Services Building, Room 205, St. Cloud State University
720 4th Avenue South, St. Cloud, Minnesota 56301-4498
(612) 255-2286

STATE UNIVERSITY SYSTEM CONTACT:

David Hardin, Director of Facilities Management
Minnesota State University System
555 Park Street, Suite 230, St. Paul, Minnesota 55103
(612) 296-6624

M.J. Czarniecki III, Chair
State Designer Selection Board

Department of Transportation

Engineering Services Division

Notice of Availability of Contract for "Comparison of Air Voids in Bituminous Pavements"

The Department of Transportation is requesting proposals for the purpose of comparing in-place air voids in existing low volume bituminous roadways with their performance. Cores will be drilled from selected roadways and rice air voids determined. These air voids will then be compared to the age of pavement, condition of pavement, etc.

It is anticipated that the contract period will begin September 7, 1993 and continue through October 31, 1993.

For further information, or to obtain a copy of the completed Request for Proposal, contact:

Jerry Teig
Research Project Supervisor
Minnesota Department of Transportation
Materials Research and Engineering
1400 Gervais Avenue
Maplewood, MN 55109
Phone: (612) 779-5518

Proposals must be received at the above address no later than 4:00 p.m. on August 16, 1993.

This request does obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

The primary criteria used for design of bituminous pavements in Minnesota at the present time is percentage of air voids. At the present time the same air void percentage is required for all bituminous roadways. It has been questioned whether low volume roadways need the same standard as higher volume roadways.

This request for proposal does not obligate the state to complete the project and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

I. SCOPE OF PROJECT

The purpose of this study is to compare in-place air voids in existing low volume bituminous roadways with their performance.

II. OBJECTIVES

To drill cores from selected roadways and determine rice air voids. These air voids will then be compared to the age of pavement, condition of pavement, etc.

III. PROJECT TASKS

Dakota, Stearns and Polk County personnel will select three or four roadways each for a total of nine to twelve roadways. Traffic control will be provided by the participating counties.

1. Drill 5 cores from 2 sites at each of the selected roadways. These will include one core with a few inches of a transverse crack in the outside wheel path. Two more cores in the outer wheel path and two in between the wheel paths will be drilled within a few feet. Fill holes with bituminous patch and compact the material.

2. Color Prints to be taken of each core.

3. Lab Tests Required

a. Core taken near crack will be used for observation of stripping only.

b. Thickness measurements for each lift of remaining 4 cores of each site.

c. Rice Air Voids for wear, binder and base courses from remaining 4 cores of each site with Maximum Specific Gravity taken from the combined material of these 4 cores.

4. Prepare project deliverables as follows:

a. Color prints of each core taken.

b. Test reports of thicknesses, bulk specific gravities of cores and related maximum specific gravities.

c. Core taken near crack.

Professional, Technical & Consulting Contracts

IV. DEPARTMENT CONTACTS

Prospective responders who have any questions regarding this Request for Proposal may call or write:

Jerry Teig
Research Project Supervisor
Minnesota Department of Transportation
Materials Research and Engineering
1400 Gervais Avenue
Maplewood, Minnesota 55109
(612) 779-5518

Please note: Other department personnel are not allowed to discuss the projects with responders before the submittal of proposal deadline.

V. SUBMISSION OF PROPOSALS

All proposals should be sent to and received by Jerry Teig at the above address not later than August 16, 1993.

Late proposals will not be accepted. Submit 3 copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

VI. PROJECT COSTS

The department has estimated that the cost of this should not exceed \$15,000.

VII. PROJECT COMPLETION DATE

Project duration—two (2) months from the date of project authorization.

1. All cores to be drilled in one (1) month.
2. Lab testing and reports to be completed in two (2) months.

VIII. PROPOSAL CONTENTS

The following will be considered minimum contents of the proposal:

1. A restatement of the objectives to show the responder's view of the nature of the project.
2. Identify and describe the deliverables to be provided by the responder.
3. Responder will prepare a detailed cost and work plan which will be used as a scheduling and managing tool as well as the basis for invoicing.

IX. EVALUATION CRITERIA

All proposals received by the deadline will be evaluated by the Department of Transportation. Factors upon which proposals will be judged include, but are not limited to, the following:

1. Expressed understanding of project objectives.
2. Project work plan.
3. Project cost detail.
4. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

Evaluation and selection will be completed by August 23, 1993.

X. WORKERS COMPENSATION

The successful responder will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage prior to execution of the contract.

Non-State Public Bids and Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Hennepin County

Department of Public Works

"Notice of Potential Availability of Contracts for a Variety of Highway Related Technical Activities" Dated 06/15/93

The Hennepin County Department of Public Works may require the services of qualified consultants to assist it with the implementation of its highway program. Work for consultants may include, but not be limited to:

- A. Preliminary Design (Environmental Studies, Project Development Reporting and Geometric Layouts).
- B. Detail Design including Preparation of Plans and Specifications (Highway, Sewer, Water, Lighting, Signing, Traffic Signals, Landscaping, Water Quality, Wetland Mitigation and Hydraulics).
- C. Soil investigation, evaluation and recommendations for road and bridge projects.

Consultants who wish to be considered for any of the potential projects should furnish the following information:

1. Federal Form 254 and firm brochure, if any.
2. Indicate in which fields key personnel are registered (Engineer, Architect, etc.).
3. Indicate whether or not your firm is an Equal Opportunity employer and has an Affirmative Action Plan.

Qualified consultants who wish to be considered will be invited to participate in a consultant selection process. The consultant selection panel will recommend consulting firms for specific projects for which design work will begin by December 31, 1994.

This is not a request for proposal. Six copies of expression of interest in being considered shall be delivered to the address below not later than four o'clock (4:00) p.m., September 3, 1993.

Bruce M. Polaczyk, P.E.
Design Administrative Engineer
320 Washington Avenue South
Hopkins, Minnesota 55343

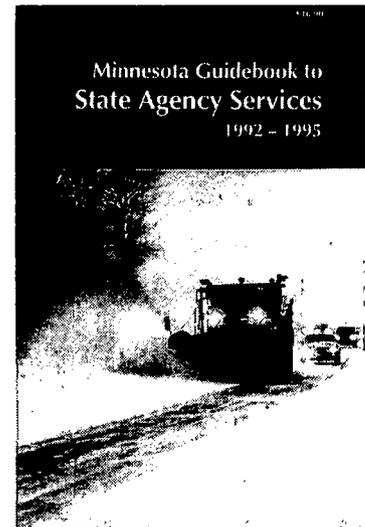
Access Your State Government:

Minnesota Guidebook to State Agency Services 1992-95

An obvious "headliner" on any list for the citizen's reference desk. The perfect "owner's manual" to Minnesota state government is a great reference tool for:

- * applying for grants, bidding on contracts
- * addresses, phone numbers and key contact people for each agency
- * license requirements and fees
- * gaining access to government services
- * participating in state policy making and service delivery
- * understanding the structure of Minnesota government with detailed descriptions of state agencies, their functions and services.

A **MUST** for Minnesota residents, business persons, professionals and educators. 710pp. Stock No. 1-11-SR \$18.00
(Price includes MN 6-1/2% sales tax)



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Good Business Decisions are Made with Good Information

Minnesota Manufacturer's Directory: More than 7,000 entries that include name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2-SR, \$95.00 plus tax.

Business and NonProfit Corporation Act 1992. A handy reference that contains all the state laws governing the establishment and conduct of corporations in Minnesota. Includes *Minnesota Statutes* Chapters 308A, 302A and 317A. Code #2-87-SR. \$20.95 plus tax.

Minnesota Guidebook to State Agency Services 1992-95. Packed with information to help you cut through red tape for easy and fast dealing with state agencies, this treasure of information opens state government to you. Its 640 pages describe agencies, how they work, listing contacts, addresses, phones, and license requirements, grants, forms, reports, maps, publications and much more. Gives historical, statistical and important data useful in hundreds of ways. Code #1-11-SR. \$16.90 plus tax. FAX: (612) 296-2265.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Resolve Bargaining Disputes and Grievances

Public Employment Labor Relations Act 1989. The collective bargaining rights and responsibilities of public employers and public employees. Details employees' right to organize and the legislature's authority. Code #2-90-SR, \$6.00 plus tax.

Public Sector Labor Relations in Minnesota. A practical resource and training guide analyzing public sector labor relations in Minnesota. A special emphasis on contract administration, grievance handling and the arbitration process. 286 pages, paperbound. Code #10-51-SR, \$12.50.

Minnesota Guidebook to State Agency Services 1992-95. A treasure of helpful, useful, and interesting information about Minnesota state government. This important resource guides you through applications, fees, licenses, reports, history and travel highlights. Describes agencies in detail, giving addresses, phones and contact people. Code #1-11-SR, \$16.90 plus tax. FAX: (612) 296-2265.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

A Wise Investment—the rules of the game

Securities Laws, 1990. Governs the activities of broker/dealers, agents and investment advisors. *Minnesota Statutes* Chapter 80A. Code #2-12-SR, \$7.00 plus tax.

Securities Rules, 1991. Rules implementing the legislative mandate. Subjects include equity securities and investment companies. *Minnesota Rules* Chapter 2875. Code #3-5-SR, \$14.00 plus tax.

Minnesota Guidebook to State Agency Services, 1992-95. Packed with information to help you, this 640-page resource guides you through license requirements, forms, fees, reports, services, grants, and more. Its listing of addresses, phones, and agency descriptions cut red tape for easy and fast service from state agencies. Code #1-11-SR, \$16.90 plus tax.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Minnesota's Bookstore

Publications, Services, Subscriptions

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